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HISTORY

OF THE

PRINCIPAL REPUBLICS

IN THE

WORLD.

VOL. I.

JOHN ADAMS.

LETTER ABOUT HIS DEFENSE OF THE AMERICAN CONSTITUTION.

From the Utica Herald.

The original of the following interesting letter, written by ex-President John Adams in 1820, is in the possession of the Hon. Charles A. Doolittle, of this city, whose wife is a great great-granddaughter of John Adams. Ex-President Adams was nearly 85 years old when this letter was written, and it comments characteristically upon his recent election to a seat in the Massachusetts Constitutional Convention, and expresses some opinions upon the dangers of the republican government which will be read with interest at this day. The letter is as follows:

MONTIZELLO, Nov. 5, 1820.

DEAR SIR: I received with pleasure your favor of Oct. 28. A seat in the convention, as it is the spontaneous evidence of the kindness of my fellow-citizens, is indeed a gratification to my feelings. If I should make my exit in the service it will be *euthanasia*, but whether my attendance will be of any assistance to the deliberations of that great assembly who are to revise the Constitution I know not. Forty years ago I flatter myself I did some good in the formation of it, especially by preventing the sovereign authority from being placed entirely in one representative assembly. I am pleased to find that you think well of the "Defense of the American Constitution." I think I can say without vanity that that work contains a greater number and variety of solemn warnings against the dangers of republican governments in every form and shape in which they have ever existed than are to be found in every work, ancient or modern, now extant. It was written for that express purpose, as a warning to the people of France as well as to the people of America, and I hope it will be so to the South Americans as well as to all Europe. The South Americans have got it translated into Spanish, and are endeavoring to copy its system. The Germans have it translated into their language, and they may derive some benefit from it if they please. But whether the people of Europe or South America have any common principles upon which they can unite or any common intelligence capable of adapting and persevering in any regular system remains to be determined.

My love to every branch of your family. We are in daily expectation of seeing —— here with ——, and the sooner they arrive the sooner our anxiety will be relieved. I am affectionately yours,

JOHN ADAMS.

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ASTOR, LENOX AND
TILDEN FOUNDATIONS.

IOHN ADAMS, L.L.D.

Vice President of the United States of America

Publish'd Feb.y 15. 1794 by Iohn Stockdale.

A

DEFENCE

OF THE

CONSTITUTIONS OF GOVERNMENT

OF THE

UNITED STATES

OF

AMERICA,

AGAINST THE ATTACK OF M. TURGOT

IN HIS

LETTER TO DR. PRICE,

DATED THE TWENTY-SECOND DAY OF MARCH, 1778.

BY JOHN ADAMS, LL. D.

AND A MEMBER OF THE ACADEMY OF ARTS AND SCIENCES AT BOSTON.

All Nature's Difference keeps all Nature's Peace. POPE.

IN THREE VOLUMES.

VOL. I.

A NEW EDITION.

LONDON:

PRINTED FOR JOHN STOCKDALE, PICCADILLY.

1794.

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1899.

The publiſher has prefixed the following Short Account of the Author, which he hopes the reader will not be diſpleaſed with. It is extracted from the American Geography, by the Rev. Jedidiah Morſe, now printing in quarto.

MR. ADAMS is a deſcendant of one of the firſt families who founded the colony of Maſſachuſetts Bay in 1630. He was born at Braintree, in Maſſachuſetts, October 19th, 1735.

He was by profeſſion a lawyer; and ſuch were his abilities and integrity, that he attracted the attention, the eſteem, and the confidence of his fellow-citizens. Not contented with barely maintaining the rights of individuals, he early ſignalized himſelf in the defence of the rights of his country, and of mankind at large, by writing his admirable

Diſſertation on the Canon and Feudal Laws; a work well adapted to convince or confound the advocates either for civil or eccleſiaſtical tyranny. It evinced that he had abilities to afford powerful aid in the formation of republics, on the genuine principles of juſtice and virtue.

The zeal and firmneſs with which Mr. Adams defended the liberties of his country, did not prevent his acting in the ſervice of her enemies, where he thought they were treated with too much ſeverity. Called upon by his profeſſion, he boldly ſtood forth as the advocate of Capt. Preſton, who had been impriſoned as the murderer of ſome of the citizens of Boſton, on the memorable 5th of March, 1770. His client's cauſe was moſt unpopular. The whole town had been in a ſtate of irritation, on account of the conduct of Governor Hutchinſon, and the troops which were ſtationed in it. Their reſentment now burſt into a flame. But he felt the cauſe to be a juſt one; and the danger of incurring the diſpleaſure of his countrymen could not deter him from undertaking it. He conducted the cauſe with great addreſs, by keeping off the trial till the paſ-

ſions of the people had time to ſubſide. The trial at length commenced, and laſted ſeveral days, during which he diſplayed the moſt extenſive knowledge of the laws of his country, and of humanity; and at the concluſion he had the ſatisfaction of proving to Great Britain herſelf, that the citizens of Maſſachuſetts would be juſt and humane to their enemies amidſt the groſſeſt inſults and provocations. Capt. Preſton was acquitted. In this moſt delicate and important trial, Mr. Adams manifeſted that firmneſs of mind, diſintereſted and enlightened patriotiſm, and that love of juſtice and humanity, which have uniformly marked his conduct in all thoſe great departments which he has ſince filled with ſo much ability and dignity.

He was a member of the firſt Congreſs in 1774; and was one of the principal promoters of the famous reſolution of the 4th of July, 1776, which declared the American colonies FREE, SOVEREIGN, AND INDEPENDENT STATES.

Having been for a conſiderable length of time one of the commiſſioners of the war department, and a principal ſuggeſtor of the terms to be offered to France, for forming a treaty

of

of alliance and commerce, he was ſent to the court of Verſailles, as one of the miniſters plenipotentiary of the United States, to conſummate that important buſineſs.

On his return from France he was called upon by Maſſachuſetts to aſſiſt in forming a plan of government; and to him this State is chiefly indebted for their preſent excellent conſtitution.*

After this important buſineſs was accompliſhed, he returned to Europe, veſted with full powers from Congreſs to aſſiſt at any conference which might be opened for the eſtabliſhment of peace; and he ſoon after received other powers to negociate a loan of money for the uſe of the United States; and to repreſent them as their miniſter plenipotentiary to their High Mightineſſes the States General of the United Provinces. Such important truſts ſhew in what high eſtimation he was held by his country, and the able and ſatisfactory manner in which he executed them, proved that their confidence was well placed.

* See the American Conſtitutions, publiſhed by order of Congreſs, printed for J. Stockdale.

While

While in Europe, Mr. Adams publiſhed the following learned and celebrated work, in which he advocates, as the fundamental principles of a free government—equal repreſentation, of which numbers, or property, or both ſhould be the rule—a total ſeparation of the executive from the legiſlative power, and of the judicial from both—and a balance in the legiſlature, by three independent, equal branches. "If there is one certain truth," ſays he, "to be collected from the hiſtory of all ages, it is this: That the people's rights and liberties, and the democratical mixture in a conſtitution, can never be preſerved without a ſtrong executive; or in other words, without ſeparating the executive power from the legiſlative."

A character who rendered ſuch eminent ſervices to his country, both at home and abroad, in ſeaſons of the greateſt gloominess and danger, and who poſſeſſed ſuch an extenſive knowledge of politics and government, did not remain unnoticed by his grateful countrymen. He was called, in 1789, by the choice of his country, to the Vice-Preſidency of the United Sates, which office he ſtill retains.

"They

"They who have had an opportunity of knowing his Excellency, Mr. Adams," ſays an European writer, "trace in his features the moſt unequivocal marks of probity and candour. He unites to that gravity which is ſuitable to the dignity of his ſtation, an affability which prejudices you in his favour. Although of a ſilent turn, as is common to men who engage in important affairs, yet he has a natural eloquence for the diſcuſſion of important ſubjects, and for the recommending and enforcing the meaſures and ſyſtems which are dictated by ſound policy. He has neither the corrupted nor corrupting principles of Lord Cheſterfield, but the plain and virtuous demeanour of Sir William Temple. Like him alſo he is ſimple in negociation, where he finds candour in thoſe who treat with him; otherwiſe he has the ſeverity of a true Republican, his idea of virtue giving him a rigidneſs, which makes it difficult for him to accommodate himſelf to thoſe intrigues which European politics have introduced into negociation."

PREFACE.

PREFACE.

THE arts and ſciences in general, during the three or four laſt centuries, have had a regular courſe of progreſſive improvement. The inventions in mechanic arts, the diſcoveries in natural philoſophy, navigation, and commerce, and the advancement of civilization and humanity, have occaſioned changes in the condition of the world, and the human character, which would have aſtoniſhed the moſt refined nations of antiquity. A continuation of ſimilar exertions is every day rendering Europe more and more like one community, or ſingle family. Even in the theory and practice of government, in all the ſimple monarchies, conſiderable improvements have been made. The checks and balances of republican governments have been in ſome degree adopted by the courts of princes. By the erection of various tribunals to regiſter the laws and exerciſe the judicial power---by indulging the petitions and remonſtrances of ſubjects, until by habit they are regarded as rights---a controul has been eſtabliſhed over miniſters

of ſtate and the royal councils, which approaches, in ſome degree, to the ſpirit of republics. Property is generally ſecure, and perſonal liberty ſeldom invaded. The preſs has great influence, even where it is not expreſsly tolerated; and the public opinion muſt be reſpected by a miniſter, or his place becomes inſecure. Commerce begins to thrive; and if religious toleration were eſtabliſhed, and perſonal liberty a little more protected, by giving an abſolute right to demand a public trial in a certain reaſonable time—and the ſtates inveſted with a few more privileges, or rather reſtored to ſome that have been taken away—theſe governments would be brought to as great a degree of perfection, they would approach as near to the character of governments of laws and not of men, as their nature will probably admit of. In ſo general a refinement, or more properly reformation of manners and improvement in knowledge, is it not unaccountable that the knowledge of the principles and conſtruction of free governments, in which the happineſs of life, and even the further progreſs of improvement in education and ſociety, in knowledge and virtue, are ſo deeply intereſted, ſhould have remained at a full ſtand for two or three thouſand years?---According to a ſtory in Herodotus, the nature of monarchy, ariſtocracy, and democracy, and the advantages

and

and inconveniencies of each, were as well underſtood at the time of the neighing of the horſe of Darius as they are at this hour. A variety of mixtures of theſe ſimple ſpecies were conceived and attempted, with different ſucceſs, by the Greeks and Romans. Repreſentations, inſtead of collections, of the people---a total ſeparation of the executive from the legiſlative power, and of the judicial from both—and a balance in the legiſlature by three independent equal branches—are perhaps the three only diſcoveries in the conſtitution of a free government, ſince the inſtitution of Lycurgus. Even theſe have been ſo unfortunate, that they have never ſpread: the firſt has been given up by all the nations, excepting one, who had once adopted it; and the other two, reduced to practice, if not invented, by the Engliſh nation, have never been imitated by any other except their own deſcendants in America. While it would be raſh to ſay, that nothing further can be done to bring a free government, in all its parts, ſtill nearer to perfection—the repreſentations of the people are moſt obviouſly ſuſceptible of improvement. The end to be aimed at, in the formation of a repreſentative aſſembly, ſeems to be the ſenſe of the people, the public voice: the perfection of the portrait conſiſts in its likeneſs. Numbers, or property, or both, ſhould be the rule; and the proportions of

electors and members an affair of calculation. The duration ſhould not be ſo long that the deputy ſhould have time to forget the opinions of his conſtituents. Corruption in elections is the great enemy of freedom. Among the proviſions to prevent it, more frequent elections, and a more general privilege of voting, are not all that might be deviſed. Dividing the diſtricts, diminiſhing the diſtance of travel, and confining the choice to reſidents, would be great advances towards the annihilation of corruption. The modern ariſtocracies of Holland, Venice, Berne, &c. have tempered themſelves with innumerable multitudes of checks, by which they have given a great degree of ſtability to that form of government: and though liberty and life can never be there enjoyed ſo well as in a free republic, none is perhaps more capable of profound ſagacity. We ſhall learn to prize the checks and balances of a free government, and even thoſe of the modern ariſtocracies, if we recollect the miſeries of Greece, which aroſe from their ignorance of them. The only balance attempted againſt the ancient kings was a body of nobles; and the conſequences were perpetual altercations of rebellion and tyranny, and butcheries of thouſands upon every revolution, from one to the other. When the kings were aboliſhed, the ariſtocracies tyrannized; and then no balance was attempted but between ariſtocracy and democracy.

This,

This, in the nature of things, could be no balance at all, and therefore the pendulum was for ever on the ſwing. It is impoſſible to read in Thucidydes, lib. iii. his account of the factions and confuſions throughout all Greece, which were introduced by this want of an equilibrium, without horror. During the few days that Eurymedon, with his troops, continued at Corcyra, the people of that city extended their maſſacre to all whom they judged their enemies. The crime alledged was, an attempt to overturn the democracy. Some periſhed merely through private enmity; ſome for the money they had lent, by the hands of the borrower. Every kind of death, every dreadful act, was perpetrated. Fathers ſlew their children; ſome were dragged from altars, ſome were butchered at them; numbers, immerſed in temples, were ſtarved. The contagion ſpread through the whole extent of Greece: factions raged in every city; the licentious many contending for the Athenians, and the aſpiring few for the Lacedæmonians. The conſequence was, ſeditions in cities, with all their numerous and tragical incidents. Such things ever will be, ſays Thucidydes, ſo long as human nature continues the ſame. But if this nervous hiſtorian had known a balance of three powers, he would not have pronounced the diſtemper ſo incurable, but would have added---*ſo long as parties in cities remain unbalanced.*

balanced. He adds---Words loſt their ſignification: brutal raſhneſs was fortitude; prudence, cowardice; modeſty, effeminacy; and being wiſe in every thing, to be good for nothing: the hot temper was manly valour; calm deliberation, plauſible knavery; he who boiled with indignation was truſtworthy; and he who preſumed to contradict was ever ſuſpected. Connection of blood was leſs regarded than tranſient acquaintance; aſſociations were not formed for mutual advantage, conſiſtent with law, but for rapine againſt all law; truſt was only communication of guilt; revenge was more valued than never to have ſuffered an injury; perjuries were maſter-pieces of cunning; the dupes only bluſhed, the villains moſt impudently triumphed. The ſource of all theſe evils is a thirſt of power, from rapacious or ambitious paſſions. The men of large influence, ſome contending for the juſt equality of the democratical, and others for the fair decorum of ariſtocratical government, by artful ſounds, embarraſſed thoſe communities for their own private lucre, by the keeneſt ſpirit, the moſt daring projects, and moſt dreadful machinations. Revenge, not limited by juſtice or the public welfare, was meaſured only by ſuch retaliation as was judged the ſweeteſt---by capital condemnations, by iniquitous ſentences, and by glutting the preſent rancour of their hearts with their own hands.

hands. The pious and upright conduct was on both ſides diſregarded: the moderate citizens fell victims to both. Seditions introduced every ſpecies of outrageous wickedneſs into the Grecian manners. Sincerity was laughed out of countenance: the whole order of human life was confounded: the human temper, too apt to tranſgreſs in ſpite of laws, now having gained the aſcendant over law, ſeemed to glory that it was too ſtrong for juſtice, and an enemy to all ſuperiority. —Mr. Hume has collected, from Diodorus Siculus alone, a few maſſacres which happened in only ſixty of the moſt poliſhed years of Greece:---From Sybaris 500 nobles baniſhed; of Chians, 600 citizens; at Epheſus, 340 killed, 1000 baniſhed; of Cyrenians, 500 nobles killed, all the reſt baniſhed; the Corinthians killed 120, baniſhed 500; Phæbidas baniſhed 300 Bœotians. Upon the fall of the Lacedæmonians, democracies were reſtored in many cities, and ſevere vengeance taken of the nobles; the baniſhed nobles returning, butchered their adverſaries at Phialæ, in Corinth, in Megara, in Phliaſia, where they killed 300 of the people; but theſe again revolting, killed above 600 of the nobles, and baniſhed the reſt. In Arcadia, 1400 baniſhed, beſides many killed: the baniſhed retired to Sparta and Pallantium; the latter were delivered up to their countrymen, and all killed. Of the baniſhed

baniſhed from Argos and Thebes, there were 509 in the Spartan army. The people, before the uſurpation of Agathocles, had baniſhed 600 nobles; afterwards that tyrant, in concurrence with the people, killed 4000 nobles, and baniſhed 6000, and killed 4000 people at Gela: his brother baniſhed 8000 from Syracuſe. The inhabitants of Ægeſta, to the number of 40,000, were killed, man, woman, and child, for the ſake of their money: all the relations of the Libyan army, fathers, brothers, children, killed; 7000 exiles killed after capitulation. Theſe numbers, compared with the population of thoſe cities, are prodigious; yet Agathocles was a man of character, and not to be ſuſpected of cruelty, contrary to the maxims of his age: ſuch were the faſhionable outrages of unbalanced parties.

In the name of human and divine benevolence, is ſuch a ſyſtem as this to be recommended to Americans in this age of the world? Human nature is as incapable now of going through revolutions with temper and ſobriety, with patience and prudence, or without fury and madneſs, as it was among the Greeks ſo long ago. The lateſt revolution that we read of was conducted, at leaſt on one ſide, in the Grecian ſtyle, with laconic energy, and with a little Attic ſalt; at leaſt, without too much patience, foreſight, and prudence, on the other.---Without three

orders,

orders, and an effectual balance between them, in every American conſtitution, it muſt be deſtined to frequent unavoidable revolutions: if they are delayed a few years, they muſt come in time. The United States are large and populous nations in compariſon of the Grecian commonwealths, or even the Swiſs cantons, and are growing every day more diſproportionate, and therefore leſs capable of being held together by ſimple governments. Countries that increaſe in population ſo rapidly as the States of America did, even during ſuch an impoveriſhing and deſtructive war as the laſt was, are not to be bound long with ſilken threads: lions, young or old, will not be bound by cobwebs.---It would be better for America, it is nevertheleſs agreed, to ring all the changes with the whole ſet of bells, and go through all the revolutions of the Grecian ſtates, rather than eſtabliſh an abſolute monarchy among them, notwithſtanding all the great and real improvements made in that kind of government.

The objection to theſe governments is not becauſe they are ſupported by nobles and a ſubordination of ranks; for all governments, even the moſt democratical, are ſupported by a ſubordination of offices, and of ranks too. None ever exiſted without it but in a ſtate of anarchy and outrage, in a contempt of law and juſtice, no better than no government. But the nobles in the European monarchies

narchies ſupport them more by oppoſing than promoting their ordinary views. The kings are ſupported by their armies: the nobles ſupport the crown, as it is in full poſſeſſion of the gift of all employments; but they ſupport it ſtill more by checking its miniſters, and preventing them from running into abuſes of power and wanton deſpotiſm, otherwiſe the people would be puſhed to extremities and inſurrections. It is thus that the nobles reconcile the monarchical authority to the obedience of the ſubjects; but take away the ſtanding armies, and leave the nobles to themſelves, and they would overturn every monarchy in Europe in a few years, and erect ariſtocracies.

It is become a kind of faſhion among writers to admit, as a maxim, that if you could be always ſure of a wiſe, active, and virtuous prince, monarchy would be the beſt of governments. But this is ſo far from being admiſſible, that it will for ever remain true, that a free government has a great advantage over a ſimple monarchy. The beſt and wiſeſt prince, by means of a freer communication with his people, and the greater opportunities to collect the beſt advice from the beſt of his ſubjects, would have an immenſe advantage in a free ſtate more than in a monarchy. A ſenate conſiſting of all that is moſt noble, wealthy, and able in the nation, with a right to counſel the crown at all

all times, is a check to miniſters, and a ſecurity againſt abuſes, that a body of nobles who never meet, and have no ſuch right, can never accompliſh. Another aſſembly, compoſed of repreſentatives choſen by the people in all parts, gives the whole nation free acceſs, and communicates all the wants, knowledge, projects, and wiſhes of the nation to government; excites an emulation among all claſſes, removes complaints, redreſſes grievances, affords opportunities of exertion to genius though in obſcurity, and gives full ſcope to all the faculties of man; opens a paſſage for every ſpeculation to the legiſlature, to adminiſtration, and to the public: it gives a univerſal energy to the human character, in every part of the ſtate, which never can be obtained in a monarchy.

There is a third particular which deſerves attention both from governments and people. The miniſters of ſtate in a ſimple monarchy can never know their friends from their enemies: cabals in ſecret undermine their influence and blaſt their reputations. This occaſions a jealouſy ever anxious and irritated, which never thinks the government ſafe without an encouragement of informers and ſpies throughout every part of the ſtate, who interrupt the tranquillity of private life, deſtroy the confidence of families in their own domeſtics and one another, and poiſon freedom in its ſweeteſt retirements. In a free govern-

government, on the contrary, the miniſters can have no enemies of conſequence but among the members of the great or little council, where every man is obliged to take his ſide, and declare his opinion upon every queſtion. This circumſtance alone, to every manly mind, would be ſufficient to decide the preference in favour of a free government. Even ſecrecy, where the executive is entire in one hand, is as eaſily and ſurely preſerved in a free government, as in a ſimple monarchy; and as to diſpatch, all the ſimple monarchies of the whole univerſe may be defied to produce greater or more examples of it than are to be found in Engliſh hiſtory. ---An Alexander or a Frederic, poſſeſſed of the prerogatives only of a king of England, and leading his own armies, would never find himſelf embarraſſed or delayed in any honeſt enterprize. He might be reſtrained, indeed, from running mad, and from making conqueſts to the ruin of his nation merely for his own glory; but this is no argument againſt a free government.---There can be no free government without a democratical branch in the conſtitution. Monarchies and ariſtocracies are in poſſeſſion of the voice and influence of every univerſity and academy in Europe. Democracy, ſimple democracy, never had a patron among men of letters. Democratical mixtures in government have loſt almoſt all the advocates they ever had out of England and America.

Men

Men of letters muſt have a great deal of praiſe, and ſome of the neceſſaries, conveniencies, and ornaments of life. Monarchies and ariſtocracies pay well and applaud liberally. The people have almoſt always expected to be ſerved gratis, and to be paid for the honour of ſerving them; and their applauſes and adorations are beſtowed too often on artifices and tricks, on hypocriſy and ſuperſtition, on flattery, bribes, and largeſſes. It is no wonder then that democracies and democratical mixtures are annihilated all over Europe, except on a barren rock, a paltry fen, an inacceſſible mountain, or an impenetrable foreſt. The people of England, to their immortal honour, are hitherto an exception; but, to the humiliation of human nature, they ſhew very often that they are like other men. The people in America have now the beſt opportunity, and the greateſt truſt, in their hands, that Providence ever committed to ſo ſmall a number ſince the tranſgreſſion of the firſt pair: if they betray their truſt, their guilt will merit even greater puniſhment than other nations have ſuffered, and the indignation of heaven. If there is one certain truth to be collected from the hiſtory of all ages, it is this: that the people's rights and liberties, and the democratical mixture in a conſtitution, can never be preſerved without a ſtrong executive, or, in other words, without ſe-

parating the executive power from the legiſlative. If the executive power, or any conſiderable part of it, is left in the hands either of an ariſtocratical or a democratical aſſembly, it will corrupt the legiſlature, as neceſſarily as ruſt corrupts iron, or as arſenic poiſons the human body; and when the legiſlature is corrupted the people are undone.

The rich, the well-born, and the able, acquire an influence among the people that will ſoon be too much for ſimple honeſty and plain ſenſe in a houſe of repreſentatives. The moſt illuſtrious of them muſt therefore be ſeparated from the maſs, and placed by themſelves in a ſenate: this is, to all honeſt and uſeful intents, an oſtraciſm. A member of a ſenate of immenſe wealth, the moſt reſpected birth and tranſcendent abilities, has no influence in the nation in compariſon of what he would have in a ſingle repreſentative aſſembly. When a ſenate exiſts, the moſt powerful man in the ſtate may be ſafely admitted into the houſe of repreſentatives, becauſe the people have it in their power to remove him into the ſenate as ſoon as his influence becomes dangerous. The ſenate becomes the great object of ambition; and the richeſt and the moſt ſagacious wiſh to merit an advancement to it by ſervices to the public in the houſe. When he has obtained the object of his wiſhes, you may ſtill hope for the benefits of his exertions, without dread-

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ing his paſſions; for the executive power being in other hands, he has loſt much of his influence with the people, and can govern very few votes more than his own among the ſenators.

It was the general opinion of ancient nations, that the Divinity alone was adequate to the important office of giving laws to men. The Greeks entertained this prejudice throughout all their diſperſions; the Romans cultivated the ſame popular deluſion; and modern nations in the conſecration of kings, and in ſeveral ſuperſtitious chimeras of divine rights in princes and nobles, are nearly unanimous in preſerving remnants of it: even the venerable magiſtrates of Amersfort devoutly believe themſelves God's vicegerents. Is it that obedience to the laws can be obtained from mankind in no other manner?—Is the jealouſy of power, and the envy of ſuperiority, ſo ſtrong in all men, that no conſiderations of public or private utility are ſufficient to engage their ſubmiſſion to rules for their own happineſs? Or is the diſpoſition to impoſture ſo prevalent in men of experience that their private views of ambition and avarice can be accompliſhed only by artifice?—It was a tradition in antiquity that the laws of Crete were dictated to Minos by the inſpiration of Jupiter. This legiſlator and his brother Rhadamanthus were both his ſons: once in nine years they went to converſe

converſe with their father, to propoſe queſtions concerning the wants of the people, and his anſwers were recorded as laws for their government. The laws of Lacedæmon were communicated by Apollo to Lycurgus; and, leſt the meaning of the deity ſhould not have been perfectly comprehended, or correctly expreſſed, were afterwards confirmed by his oracle at Delphos. Among the Romans, Numa was indebted for thoſe laws which procured the proſperity of his country to his converſations with Egeria. The Greeks imported theſe myſteries from Egypt and the Eaſt, whoſe deſpotiſms, from the remoteſt antiquity to this day, have been founded in the ſame ſolemn empiriciſm; their emperors and nobles being all deſcended from their gods. Woden and Thor were divinities too; and their poſterity ruled a thouſand years in the north by the ſtrength of a like credulity. Manco Capac was the child of the ſun, the viſible deity of the Peruvians, and tranſmitted his divinity, as well as his earthly dignity and authority, through a line of incas. And the rudeſt tribes of ſavages in North America have certain families under the immediate protection of the god of war, from which their leaders are always choſen. There is nothing in which mankind have been more unanimous; yet nothing can be inferred from it more than this, that the multitude have always been credulous,

credulous, and the few artful. The United States of America have exhibited, perhaps, the firſt example of governments erected on the ſimple principles of nature; and if men are now ſufficiently enlightened to diſabuſe themſelves of artifice, impoſture, hypocriſy, and ſuperſtition, they will conſider this event as an æra in their hiſtory. Although the detail of the formation of the American governments is at preſent little known or regarded either in Europe or America, it may hereafter become an object of curioſity. It will never be pretended that any perſons employed in that ſervice had any interviews with the gods, or were in any degree under the inſpiration of heaven, any more than thoſe at work upon ſhips or houſes, or labouring in merchandize or agriculture: it will for ever be acknowledged that theſe governments were contrived merely by the uſe of reaſon and the ſenſes. As Copley painted Chatham; Weſt, Wolf; and Trumbull, Warren and Montgomery; as Dwight, Barlow, Trumbull, and Humphries compoſed their verſe, and Belknap and Ramſay hiſtory; as Godfrey invented his quadrant, and Rittenhouſe his planetarium; as Boylſton practiſed inoculation, and Franklin electricity; as Paine expoſed the miſtakes of Raynal, and Jefferſon thoſe of Buffon, ſo unphiloſophically borrowed from the Recherches Philoſophiques ſur les Americains, thoſe deſpica-

ble dreams of De Paw—neither the people, nor their conventions, committees, or ſub-committees, conſidered legiſlation in any other light than ordinary arts and ſciences, only as of more importance. Called without expectation, and compelled without previous inclination, though undoubtedly at the beſt period of time both for England and America, to erect ſuddenly new ſyſtems of laws for their future government, they adopted the method of a wiſe architect, in erecting a new palace for the reſidence of his ſovereign. They determined to conſult Vitruvius, Palladio, and all other writers of reputation in the art; to examine the moſt celebrated buildings, whether they remain entire or in ruins; compare theſe with the principles of writers, and inquire how far both the theories and models were founded in nature, or created by fancy; and when this ſhould be done, as far as their circumſtances would allow, to adopt the advantages, and reject the inconveniencies, of all. Unembarraſſed by attachments to noble families, hereditary lines and ſucceſſions, or any conſiderations of royal blood, even the pious myſtery of holy oil had no more influence than that other of holy water: the people univerſally were too enlightened to be impoſed on by artifice, and their leaders, or more properly followers, were men of too much honour to attempt it. Thirteen governments

vernments thus founded on the natural authority of the people alone, without a pretence of miracle or myſtery, which are deſtined to ſpread over the northern part of that whole quarter of the globe, are a great point gained in favour of the rights of mankind. The experiment is made, and has completely ſucceeded: it can no longer be called in queſtion, whether authority in magiſtrates, and obedience of citizens, can be grounded on reaſon, morality, and the Chriſtian religion, without the monkery of prieſts, or the knavery of politicians. As the writer was perſonally acquainted with moſt of the gentlemen in each of the ſtates, who had the principal ſhare in the firſt draughts, the following letters were really written to lay before the gentleman to whom they are addreſſed, a ſpecimen of that kind of reading and reaſoning which produced the American conſtitutions.

It is not a little ſurpriſing that all this kind of learning ſhould have been unknown to any illuſtrious philoſopher and ſtateſman, eſpecially one who really was, what he has been often called, "a well of ſcience." But if he could be unacquainted with it, or it could have eſcaped his memory, we may ſuppoſe millions in America have occaſion to be reminded of it.---The writer has long ſeen with anxiety the facility with which philoſophers of greateſt name have under-

taken to write of American affairs without knowing any thing of them, and have echoed and re-echoed each other's viſions. Having neither talents, leiſure, nor inclination, to meet ſuch champions in the field of literary controverſy, he little thought of venturing to propoſe to them any queſtions: circumſtances, however, have lately occurred, which ſeemed to require that ſome notice ſhould be taken of one of them. If the publication of theſe papers ſhould contribute any thing to turn the attention of the younger gentlemen of letters in America to this kind of inquiry, it will produce an effect of ſome importance to their country. The ſubject is the moſt intereſting that can engage the underſtanding or the heart; for whether the end of man, in this ſtage of his exiſtence, be enjoyment or improvement, or both, it can never be attained ſo well in a bad government as a good one.

The practicability or the duration of a republic, in which there is a governor, a ſenate, and a houſe of repreſentatives, is doubted by Tacitus, though he admits the theory to be laudable---"Cunctas nationes "et urbes, populus, aut priores, aut ſinguli, "regunt. Delecta ex his et conſtituta "reipublicæ forma, laudari facilius quam "inveniri; vel, ſi evenit, haud diuturna "eſſe poteſt." Ann. lib. iv.---Cicero aſſerts---"Statuo eſſe optime conſtitutam "rem-

" rempublicam, quæ ex tribus generibus " illis, regali, optimo, et populari, modice " confuſa." Frag.---in ſuch peremptory terms the ſuperiority of ſuch a government to all other forms, that the loſs of his book upon republics is much to be regretted. From a few paſſages that have been preſerved, it is very probable he entered more largely into an examination of the compoſition of monarchical republics than any other ancient writer. He was ſo far from apprehending " diſputes" from a variety of orders, that he affirms it to be the firmeſt bond of juſtice, and the ſtrongeſt anchor of ſafety to the community. As the treble, the tenor, and the baſs exiſt in nature, they will be heard in the concert: if they are arranged by Handel, in a ſkilful compoſition, they produce rapture the moſt exquiſite that harmony can excite; but if they are confuſed together without order, they will

" Rend with tremendous ſound your ears
" aſunder."

" Ut in fidibus ac tibiis, atque cantu ipſo, " a vocibus concentus eſt quidam tenendus " ex diſtinctis ſonis, quem immutatum ac " diſcrepantem aures eruditæ ferre non poſ- " ſunt; iſque concentus, *ex diſſimillimarum* " *vocum moderatione, concors tamen efficitur* " *et congruens:* ſic *ex ſummis* et *infimis* et " *mediis interjectis ordinibus*, ut ſonis, mo-

" derata ratione, civitas conſenſu diſſimilli-
" morum concinit; et quæ harmonia a
" muſicis dicitur in cantu, ea eſt in civitate
" concordia, arctiſſimum atque optimum
" omni in republica vinculum incolumitatis;
" quæ ſine juſtitia nullo pacto eſſe poteſt."
Cicero, Frag. de Repub.---As all the ages of the world have not produced a greater ſtateſman and philoſopher united in the ſame character, his authority ſhould have great weight. His decided opinion in favour of three branches is founded on a reaſon that is unchangeable; the laws, which are the only poſſible rule, meaſure, and ſecurity of juſtice, can be ſure of protection, for any courſe of time, in no other form of government: and the very name of a republic implies, that the property of the people ſhould be repreſented in the legiſlature, and decide the rule of juſtice.---" Reſ-
" publica eſt res populi. Populus autem
" non omnis cœtus multitudinis, ſed cœtus
" juris conſenſu, et utilitatis communione
" ſociatus." Frag. de Rep.

" Reſpublica res eſt populi, cum bene ac
" juſte geritur, ſive ab uno rege, ſive a
" paucis optimatibus, ſive ab univerſo
" populo. Cum vero injuſtus eſt rex,
" quem tyrannum voco; aut injuſti opti-
" mates, quorum conſenſus factio eſt; aut
" injuſtus ipſe populus, cui nomen uſitatum
" nullum reperio, niſi ut etiam ipſum tyran-
" num

" num appellem; non jam vitioſa, ſed " omnino nulla reſpublica eſt; quoniam " non eſt res populi, cum tyrannus eam " factiove capeſſat; nec ipſe populus eſt ſi " ſit injuſtus, quoniam non eſt multitudinis " juris conſenſu, et utilitatis unione ſociata." Frag. de Repub.

" Ubi vero juſtitia non eſt, nec jus poteſt " eſſe; quod enim jure fit, profecto juſte " fit; quod autem fit injuſte, nec jure fieri " poteſt. Non enim jura dicenda ſunt, vel " putanda, iniqua hominum conſtituta, cum " illud etiam ipſi jus eſſe dicant quod de " juſtitiæ fonte manaverit; falſumque ſit, " quod a quibuſdam non recte ſentientibus " dici ſolet, id jus eſſe, quod ei, qui plus " poteſt, utile eſt." According to this, a ſimple monarchy, if it could in reality be what it pretends to be, a government of laws, might be juſtly denominated a republic. A limited monarchy, therefore, eſpecially when limited by two independent branches, an ariſtocratical and a democratical power in the conſtitution, may with ſtrict propriety be called by that name.

If Cicero and Tacitus could reviſit the earth, and learn that the Engliſh nation had reduced the great idea to practice, and brought it nearly to perfection, by giving each diviſion a power to defend itſelf by a negative; had found it the moſt ſolid and durable government, as well as the moſt free;

free; had obtained, by means of it, a proſperity among civilized nations, in an enlightened age, like that of the Romans among barbarians; and that the Americans, after having enjoyed the benefits of ſuch a conſtitution a century and a half, were adviſed by ſome of the greateſt philoſophers and politicians of the age to renounce it, and ſet up the governments of ancient Goths and modern Indians---what would they ſay? That the Americans would be more reprehenſible than the Cappadocians, if they ſhould liſten to ſuch advice. It would have been much to the purpoſe to have inſerted a more accurate inveſtigation of the form of government of the ancient Germans and modern Indians; in both, the exiſtence of the three diviſions of power is marked with a preciſion that excludes all controverſy. The democratical branch, eſpecially, is ſo determined, that the real ſovereignty reſided in the body of the people, and was exerciſed in the aſſembly of king, nobles, and commons together. Theſe inſtitutions really collected all authority into one center of kings, nobles, and people. But ſmall as their numbers, and narrow as their territories were, the conſequence was confuſion; each part believed it governed the whole: the chiefs thought they were ſovereign; the nobles believed the power to be in their hands; and the people flattered themſelves that

that all depended upon them. Their purpoſes were well enough anſwered, without coming to an explanation, while they were few in numbers, and had no property; but when ſpread over large provinces of the Roman empire, now the great kingdoms of Europe, and grown populous and rich, they found the inconvenience of not knowing each its place. Kings, nobles, and people claimed the government in turn: and after all the turbulence, wars, and revolutions, which compoſe the hiſtory of Europe for ſo many ages, we find ſimple monarchies eſtabliſhed every where. Whether the ſyſtem will now become ſtationary, and laſt for ever, by means of a few further improvements in monarchical governments, we know not; or whether ſtill further revolutions are to come. The moſt probable, or rather the only probable change is, the introduction of democratical branches into thoſe governments. If the people ſhould ever aim at more, they will defeat themſelves; and indeed if they aim at this, by any other than gentle means, and by gradual advances; by improvements in general education, and informing the public mind. The ſyſtems of legiſlators are experiments made on human life and manners, ſociety and government. Zoroaſter, Confucius, Mithras, Odin, Thor, Mahomet, Lycurgus, Solon,

Solon, Romulus, and a thouſand others, may be compared to philoſophers making experiments on the elements. Unhappily a political experiment cannot be made in a laboratory, nor determined in a few hours. The operation once begun, runs over whole quarters of the globe, and is not finiſhed in many thouſands of years. The experiment of Lycurgus laſted ſeven hundred years, but never ſpread beyond the limits of Laconia. The proceſs of Solon blowed out in one century; that of Romulus laſted but two centuries and a half; but the Teutonic inſtitutions, deſcribed by Cæſar and Tacitus, are the moſt memorable experiment, merely political, ever yet made in human affairs. They have ſpread all over Europe, and have laſted eighteen hundred years. They afford the ſtrongeſt argument that can be imagined in ſupport of the point aimed at in theſe letters. Nothing ought to have more weight with America, to determine her judgement againſt mixing the authority of the one, the few, and the many, confuſedly in one aſſembly, than the wide-ſpread miſeries and final ſlavery of almoſt all mankind, in conſequence of ſuch an ignorant policy in the ancient Germans. What is the ingredient which in England has preſerved the democratical authority? The balance, and that only. The Engliſh have, in reality, blend-

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ed together the feudal inſtitutions with thoſe of the Greeks and Romans; and out of all have made that noble compoſition, which avoids the inconveniencies, and retains the advantages of both. The inſtitutions now made in America will never wear wholly out for thouſands of years: it is of the laſt importance, then, that they ſhould begin right; if they ſet out wrong, they will never be able to return, unleſs it be by accident, to the right path. After having known the hiſtory of Europe, and of England in particular, it would be the height of folly to go back to the inſtitutions of Woden and of Thor, as they are adviſed to do; if they had been counſelled to adopt a ſimple monarchy at once, it would have been leſs myſterious. Robertſon, Hume, and Gibbon, have given ſuch admirable accounts of the feudal inſtitutions, and their conſequences, that it would have been more diſcreet to have referred to them, perhaps, without ſaying any thing more upon the ſubject. To collect together the legiſlation of the Indians would take up much room, but would be well worth the pains. The ſovereignty is in the nation, it is true, but the three powers are ſtrong in every tribe; and their royal and ariſtocratical dignities are much more generally hereditary, from the popular partiality to particular families,

and the ſuperſtitious opinion that ſuch are favourites of the god of war, than the late writers upon this ſubject have allowed.

Groſvenor Square,
January 1, 1787.

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LETTER

LETTER I.

Groſvenor-Square, Oct. 4, 1786.

MY DEAR SIR,

THREE writers in Europe, of great abilities, reputation, and learning, M. Turgot, the Abbé De Mably, and Dr. Price, have turned their attention to the conſtitutions of government in the United States of America, and have written and publiſhed their criticiſms and advice. They had all the moſt amiable characters, and unqueſtionably the pureſt intentions. They had all experience in public affairs, and ample information in the nature of man, the neceſſity of ſociety, and the ſcience of government.

There are in the productions of all of them, among many excellent things, ſome ſentiments, however, that it will be difficult to reconcile to reaſon, experience, the conſtitution of human nature, or to the uniform teſtimony of the greateſt ſtateſmen, legiſlators, and philoſophers of all enlightened nations, ancient and modern.

M. Turgot, in his letter to Dr. Price, confeſſes, "that he is not ſatisfied with the conſti-
"tutions which have hitherto been formed for
"the different ſtates of America." He obſerves
"that by moſt of them the cuſtoms of England
"are imitated, without any particular motive.
"Inſtead of collecting all authority into one cen-
"ter, that of the nation, they have eſtabliſhed

" different bodies, a body of repreſentatives, a " council, and a governor, becauſe there is in " England, a houſe of commons, a houſe of " lords, and a king. They endeavour to ba- " lance theſe different powers, as if this equili- " brium, which in England may be a neceſſary " check to the enormous influence of royalty, " could be of any uſe in republics founded " upon the equality of all the citizens, and as if " eſtabliſhing different orders of men was not a " ſource of diviſions and diſputes."

There has been, from the beginning of the revolution in America, a party in every ſtate, who have entertained ſentiments ſimilar to theſe of M. Turgot. Two or three of them have eſtabliſhed governments upon his principle: and, by advices from Boſton, certain committees of counties have been held, and other conventions propoſed in the Maſſachuſetts, with the expreſs purpoſe of depoſing the governor and ſenate, as uſeleſs and expenſive branches of the conſtitution; and as it is probable that the publication of M. Turgot's opinion has contributed to excite ſuch diſcontents among the people, it becomes neceſſary to examine it, and, if it can be ſhown to be an error, whatever veneration the Americans very juſtly entertain for his memory, it is to be hoped they will not be miſled by his authority.

LETTER

LETTER II.

MY DEAR SIR,

M. TURGOT is offended, becauſe the cuſtoms of England are imitated in moſt of the new conſtitutions in America, without any particular motive. But, if we ſuppoſe that Engliſh cuſtoms were neither good nor evil in themſelves, and merely indifferent; and the people, by their birth, education, and habits, were familiarly attached to them; was not this a motive particular enough for their preſervation, rather than endanger the public tranquillity, or unanimity, by renouncing them? If thoſe cuſtoms were wiſe, juſt, and good, and calculated to ſecure the liberty, property, and ſafety of the people, as well or better than any other inſtitutions ancient or modern, would M. Turgot have adviſed the nation to reject them, merely becauſe it was at that time juſtly incenſed againſt the Engliſh government?--What Engliſh cuſtoms have they retained which may with any propriety be called evil? M. Turgot has inſtanced only in one, viz. "that "a body of repreſentatives, a council, and a go-"vernor, has been eſtabliſhed, becauſe there is "in England, a houſe of commons, a houſe of "lords, and a king." It was not ſo much becauſe the legiſlature in England conſiſted of three branches, that ſuch a diviſion of power was adopted by the ſtates, as becauſe their own aſſemblies had ever been ſo conſtituted. It was not ſo much from attachment by habit to ſuch a plan of power, as from conviction that it was founded in nature and reaſon, that it was continued.

M. Turgot ſeems to be of a different opinion, and is for "collecting all authority into one cen-"ter, the nation." It is eaſily underſtood how all authority may be collected "into one center" in a deſpot or monarch; but how it can be done, when the center is to be the nation, is more difficult to comprehend. Before we attempt to diſcuſs the notions of an author, we ſhould be careful to aſcertain his meaning. It will not be eaſy, after the moſt anxious reſearch, to diſcover the true ſenſe of this extraordinary paſſage. If, after the pains of "collecting all authority into one "center," that center is to be the nation, we ſhall remain exactly where we began, and no collection of authority at all will be made. The nation will be the authority, and the authority the nation. The center will be the circle, and the circle the center. When a number of men, women, and children, are ſimply congregated together, there is no political authority among them; nor any natural authority, but that of parents over their children. To leave the women and children out of the queſtion for the preſent, the men will all be equal, free, and independent of each other. Not one will have any authority over any other. The firſt "collection" of authority muſt be an unanimous agreement to form themſelves into a *nation*, *people*, *community*, or *body politic*, and to be governed by the majority of ſuffrages or voices. But even in this caſe, although the authority is collected into one center, that center is no longer the nation, but the majority of the nation. Did M. Turgot mean, that the people of Virginia, for example, half a million of ſouls ſcattered over a territory of two hundred leagues ſquare, ſhould ſtop here, and have no other authority

thority by which to make or execute a law, or judge a cauſe, but by a vote of the whole people, and the deciſion of a majority? Where is the plain large enough to hold them; and what are the means, and how long would be the time, neceſſary to aſſemble them together?

A ſimple and perfect democracy never yet exiſted among men. If a village of half a mile ſquare, and one hundred families, is capable of exerciſing all the legiſlative, executive, and judicial powers, in public aſſemblies of the whole, by unanimous votes, or by majorities, it is more than has ever yet been proved in theory or experience. In ſuch a democracy, the moderator would be king, the town-clerk legiſlator and judge, and the conſtable ſheriff, for the moſt part; and upon more important occaſions, committees would be only the counſellors of both the former, and commandants of the latter.

Shall we ſuppoſe then, that M. Turgot intended, that an aſſembly of repreſentatives ſhould be choſen by the nation, and veſted with all the powers of government; and that this aſſembly ſhall be the center in which all the authority ſhall be collected, and ſhall be virtually deemed the nation? After long reflection, I have not been able to diſcover any other ſenſe in his words, and this was probably his real meaning. To examine this ſyſtem in detail may be thought as trifling an occupation, as the laboured reaſonings of Sidney and Locke, to ſhew the abſurdity of Filmar's ſuperſtitious notions, appeared to Mr. Hume in his enlightened days. Yet the miſtakes of great men, and even the abſurdities of fools, when they countenance the prejudices of numbers of people, eſpecially in a young country, and under new governments, cannot be too fully confuted.

You will not then eſteem my time or your own miſ-ſpent, in placing this idea of M. Turgot in all its lights; in conſidering the conſequences of it; and in collecting a variety of authorities againſt it.

LETTER III.

ST. MARINO.

MY DEAR SIR,

A SOCIETY of gods would govern themſelves democratically," ſays the eloquent philoſopher of Geneva; who, however, would have agreed, that his "gods" muſt not have been the claſſical deities: ſince he knew from the higheſt authority, the poets, who had their information from thoſe divinities, the Muſes, that all the terrors of the nod, the arm, and the thunderbolts of Jupiter, with all the energy of his undiſputed monarchy, were inſufficient to hold *them* in order. As it is impoſſible to know what would have been his definition of the gods, we may quietly purſue our inquiry, whether it is practicable to goven *men* in this way. It would be very ſurpriſing, if, among all the nations that have exiſted, not one has diſcovered a ſecret of ſo much importance. It is not neceſſary for us to prove that no ſuch government has exiſted; it is incumbent on him who ſhall embrace the opinion of M. Turgot, to name the age, the country, and the people, in which ſuch an experiment has been tried. It might be eaſier to determine the queſtion concerning the practicability

lity or impracticability, the utility or inutility, of a ſimple democracy, if we could find a number of examples of it. From the frightful pictures of a democratical city, drawn by the maſterly pencils of ancient philoſophers and hiſtorians, it may be conjectured that ſuch governments exiſted in Greece and Italy, at leaſt for ſhort ſpaces of time: but no particular hiſtory of any one of them is come down to us; nor are we able to procure any more ſatisfaction to our curioſity from modern hiſtory. If ſuch a phenomenon is at this time to be ſeen in the world, it is probably in ſome of thoſe ſtates which have the name of democracies, or at leaſt in ſuch as have preſerved ſome ſhare in the government to the people. Let us travel to ſome of thoſe countries, and examine their laws.

The republic of St. Marino, in Italy, is ſometimes quoted as an inſtance; and therefore it is of ſome importance to examine, 1. Whether, in fact, this is a ſimple democracy; and, 2. Whether, if it were ſuch, it is not owing to particular circumſtances, which do not belong to any other people, and prove it to be improper for any other, eſpecially the United States of America, to attempt to imitate it.

The republic of St. Marino, as Mr. Addiſon informs us, ſtands on the top of a very high and craggy mountain, generally hid among the clouds, and ſometimes under ſnow, even when the weather is clear and warm in all the country about it.

This mountain, and a few hillocks that lie ſcattered about the bottom of it, is the whole circuit of the dominion. They have, what they call, three caſtles, three convents, and five

churches, and reckon about five thouſand ſouls in their community.

St. Marino was its founder, a Dalmatian by birth, and by trade a maſon. He was employed, about thirteen hundred years ago, in the reparation of Rimini, and after he had finiſhed his work, retired to this ſolitary mountain as very proper for the life of a hermit, which he led in the greateſt auſterities of religion. He had not been long here, before he wrought a reputed miracle, which, joined with his extraordinary ſanctity, ganied him ſo great an eſteem, that the princeſs of the country made him a preſent of the mountain, to diſpoſe of it at his diſcretion. His reputation quickly peopled it, and gave riſe to the republic which calls itſelf after his name. The beſt of their churches is dedicated to the ſaint, and holds his aſhes. His ſtatue ſtands over the high altar, with the figure of a mountain in his hands, crowned with three caſtles, which is likewiſe the arms of the commonwealth. They attribute to his protection the long duration of the ſtate, and look on him the greateſt ſaint next the bleſſed Virgin. In their ſtatute-book is a law againſt ſuch as ſpeak diſreſpectfully of him, who are to be puniſhed in the ſame manner as thoſe who are convicted of blaſphemy. This petty republic has laſted thirteen hundred years, while all the other ſtates of Italy have ſeveral times changed their maſters and forms of government. Their whole hiſtory conſiſts in two purchaſes of a neighbouring prince, and two wars, in which they aſſiſted the pope againſt a lord of Rimini.

They would probably ſell their liberty as dear as they could to any that attacked them; for there is but one road by which to climb up to them.

them. All that are capable of bearing arms, are exerciſed, and ready at a moment's call.

The ſovereign power of the republic was lodged, originally, in what they call the *arengo*, a great council, in which every houſe had its repreſentative; but, becauſe they found too much confuſion in ſuch a multitude of ſtateſmen, they devolved their whole authority into the hands of the council of ſixty. The *arengo*, however, is ſtill called together in caſes of extraordinary importance; and if, after due ſummons, any member abſents himſelf, he is to be fined. In the ordinary courſe of government, the council of ſixty, which, notwithſtanding the name, conſiſts but of forty perſons, has in its hands the adminiſtration of affairs, and is made up of half out of the noble families, and half out of the plebeian. They decide all by ballotting, are not admitted until five-and-twenty years old, and chooſe the officers of the commonwealth.

No ſentence can ſtand that is not confirmed by two thirds of this council; no ſon can be admitted into it during the life of his father, nor two be in it of the ſame family, nor any enter but by election. The chief officers of the commonwealth are the two *capitaneos*, who have ſuch a power as the old Roman conſuls had, but are choſen every ſix months. Some have been *capitaneos* ſix or ſeven times, though the office is never to be continued to the ſame perſons twice ſucceſſively. The third officer is the commiſſary, who judges in all civil and criminal matters: but becauſe the many alliances, friendſhips, and intermarriages, as well as the perſonal feuds and animoſities that happen among ſo ſmall a people, might obſtruct the courſe of juſtice, if one of their own number had the diſtribution of it, they have always a foreigner for this

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employ, whom they chooſe for three years, and maintain out of the public ſtock. He muſt be a doctor of law, and a man of known integrity. He is joined in commiſſion with the *capitaneos*, and acts ſomething like the recorder of London under the lord mayor. The fourth man in the ſtate is the phyſician: another perſon, who makes no ordinary figure in the republic, is the ſchoolmaſter. Few in the place but have ſome tincture of learning.

The people are eſteemed very honeſt, and rigorous in the execution of juſtice, and ſeem to live more happy and contented among their rocks and ſnows, than others of the Italians do in the pleaſanteſt vallies in the world. Nothing indeed can be a greater inſtance of the natural love mankind has for liberty, and of their averſion to arbitrary government, than ſuch a ſavage mountain covered with people, and the Campania of Rome, which lies in the ſame country, almoſt deſtitute of inhabitants.

This is the account of St. Marino. Yet, if all authority is here collected in one center, that center is not the nation. Although the original repreſentation in the *arengo* was of houſes, that is to ſay, of property, rather than of the perſons of the citizens, and conſequently not very equal, as it excluded all perſonal property, as well as all who had no property; yet even ſuch an agrarian, it ſeems, was not a ſufficient check to licentiouſneſs, and they found it neceſſary to inſtitute a ſenate of forty men. Here, at leaſt, commenced as complete an ariſtocracy as that of ancient Rome; or, to expreſs it more exactly, as complete a ſeparation of the ariſtocratical from the democratical part of the community: and there are two remarkable circumſtances in confirmation

mation of this; one is, that there are not only noble families in this *illuſtriſſimâ republicâ Sancti Marini*, but the conſtitution has limited the choice of the electors ſo far as to oblige them to chooſe one half the ſenate out of theſe nobles; the other is, that the names of the agents for the commonwealth, of the notary, and the witneſſes to two inſtruments of purchaſes made at ſeventy years diſtance from one another, one in 1100, the other in 1170, are the ſame.—It is not credible that they were the ſame perſons: they were probably ſons or grandſons—which is a ſtrong proof of the attachment to ariſtocratical families in this little ſtate, and of their deſire to continue the ſame blood and the ſame names in public employments, like the Oranges, Fagels, De Lindens, &c. in Holland, and like innumerable other examples in all nations.

Another remarkable circumſtance is, the reluctance of the citizens to attend the aſſembly of the *arengo*, which obliged them to make a law, obliging themſelves to attend, upon a penalty. This is a defect, and a misfortune natural to every democratical conſtitution, and to the popular part of every mixed government. A general or too common diſinclination to attend, leaves room for perſons and parties more active to carry points by faction and intrigue, which the majority, if all were preſent, would not approve.

It is curious to ſee how many checks and limitations are contrived for this legiſlative aſſembly. Half nobles, half plebeians—all upwards of five-and-twenty years old—two thirds muſt agree—no ſon can ſit with his father; never two of the ſame family.

The *capitaneos* have the executive, like the Roman conſuls, and the commiſſary has the judicial.

cial.—Here again are remarkable limitations! he muſt be a foreigner, and he is for three years. This is to give ſome degree of ſtability to the judicial power, and to make it a real and powerful check both to the executive and legiſlative.

We are not, indeed, told whether the council of forty are elected annually or for life. Mr. Addiſon may, from his well-known character, be ſuppoſed to have been more attentive to the grand and beautiful monuments of ancient arts of every kind which ſurrounded him in Italy, than to this rough hillock, although the form of government might have excited his curioſity, and the ſimplicity of manners his eſteem; he has accordingly given a very imperfect ſketch of its conſtitution and hiſtory. Yet enough appears to ſhew inconteſtably, that St. Marino is by no means a perfect democracy. It is a mixture of monarchy, ariſtocracy, and democracy, as really as Sparta or Rome were, and as the Maſſachuſetts, New-York, and Maryland now are, in which the powers of the governor, ſenate, and aſſembly, are more exactly aſcertained and nicely balanced, but they are not more diſtinct than thoſe of the *capitaneos*, council of forty, and the *arengo* are in St. Marino.

Should it be argued, that a government like this, where the ſovereignty reſides in the whole body of the people, is a democracy, it may be anſwered, that the right of ſovereignty in all nations is unalienable and indiviſible, and does and can reſide no where elſe; but not to recur to a principle ſo general, the exerciſe, as well as right of ſovereignty, in Rome, reſided in the people, but the government was not a democracy. In America, the right of ſovereignty reſides indiſputably in the body of the people, and they have the whole

whole property of land. There are no nobles or patricians—all are equal by law and by birth. The governors and ſenates, as well as repreſentative aſſemblies, to whom the exerciſe of ſovereignty is committed, are annually choſen. Governments more democratical never exiſted; they are vaſtly more ſo than St. Marino. Yet the annual adminiſtration is divided into executive, legiſlative, and judicial powers; and the legiſlature itſelf is divided into monarchical, ariſtocratical, and democratical branches; and an equilibrium has been anxiouſly ſought for in all their deliberations and actions, with infinitely more art, judgement, and ſkill, than appears in this little Italian commonwealth.

The liberty and the honeſty of theſe people is not at all ſurpriſing. In ſo ſmall a ſtate, where every man perſonally knows every other, let the form of government be what it will, it is ſcarcely poſſible that any thing like tyranny or cruelty can take place. A king, or a decemvirate intruſted with the government, would feel the cenſures of the people, and be conſtantly conſcious of the facility of aſſembling the whole, and apprehenſive of an exertion of their ſtrength.

The poverty of this people appears, by the fine of one penny impoſed upon abſence from the *arengo*; and by the law, that an ambaſſador ſhould have a ſhilling a day. This, however, is a ſalary in proportion to the numbers of the people, as thirty guineas a day would be to an ambaſſador from the United States.—It appears alſo, from the phyſician's being obliged to keep a horſe, probably there is not a carriage, nor another ſaddle-horſe, in the commonwealth.

An handful of poor people, living in the ſimpleſt manner, by hard labour, upon the produce of

of a few cows, ſheep, goats, ſwine, poultry, and pigeons, on a piece of rocky, ſnowy ground, protected from every enemy by their ſituation, their ſuperſtition, and even by their poverty, having no commerce nor luxury, can be no example for the commonwealth of Pennſilvania, Georgia, or Vermont, in one of which there are poſſibly half a million of people, and in each of the other at leaſt thirty thouſand, ſcattered over a large territory.

Upon the whole, a ſtronger proof cannot be adduced of the neceſſity of different orders. and of an equilibrium between them, than this commonwealth of St. Marino, where there are ſuch ſtrong ſymptoms of both in a ſociety, where the leaſt occaſion for them appears that can be imagined to take place in any conceiveable ſituation.

LETTER IV.

BISCAY.

MY DEAR SIR,

IN a reſearch like this, after thoſe people in Europe who have had the ſkill, courage, and fortune, to preſerve a voice in the government, Biſcay, in Spain, ought by no means to be omitted. While their neighbours have long ſince reſigned all their pretenſions into the hands of kings and prieſts, this extraordinary people have preſerved their ancient language, genius, laws, government, and manners, without innovation, longer than any other nation of Europe. Of Celtic extraction, they once inhabited ſome of

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the fineſt parts of the ancient Bœtica; but their love of liberty, and unconquerable averſion to a foreign ſervitude, made them retire, when invaded and overpowered in their ancient ſeats, into theſe mountainous countries, called by the ancients Cantabria. They were governed by counts, ſent them by the kings of Oviedo and Leon, until 859, when finding themſelves without a chief, becauſe Zeno, who commanded them, was made priſoner, they roſe and took arms to reſiſt Ordogne, ſon of Alfonſus the Third, whoſe domination was too ſevere for them, and choſe for their chief an iſſue of the blood-royal of Scotland by the mother's ſide, and ſon-in-law of Zeno their governor, who having overcome Ordogne, in 870, they choſe him for their lord, and his poſterity, who bore afterwards the name of Haro, ſucceeded him, from father to ſon, until the king, Don Pedro the Cruel, having put to death thoſe who were in poſſeſſion of the lordſhip, reduced them to a treaty, by which they united their country, under the title of a lordſhip, with Caſtile, by which convention the king of Spain is now lord of Biſcay. It is a republic; and one of the privileges they have moſt inſiſted on, is not to have a king: another was, that every new lord, at his acceſſion, ſhould come into the country in perſon, with one of his legs bare, and take an oath to preſerve the privileges of the lordſhip. The preſent king of Spain is the firſt who has been complimented with their conſent, that the oath ſhould be adminiſtered at Madrid, though the other humiliating and indecent ceremony has been long laid aſide.

Their ſolicitude for defence has ſurrounded with walls all the towns in the diſtrict. They

are one-and-twenty in number; the principal of which are, Orduna, Laredo, Portugalete, Durango, Bilbao, and St. Andero. Biſcay is divided into nine merindades, a ſort of juriſdiction like a bailiwick, beſides the four cities on the coaſt. The capital is Bilbao.--The whole is a collection of very high and very ſteep mountains, rugged and rocky to ſuch a degree, that a company of men poſted on one of them might defend itſelf as long as it could ſubſiſt by rolling rocks on their enemy. This natural formation of the country, which has rendered the march of armies impracticable, and the daring ſpirit of the inhabitants, have preſerved their liberty.

Active, vigilant, generous, brave, hardy, inclined to war and navigation, they have enjoyed, for two thouſand years, the reputation of the beſt ſoldiers and ſailors in Spain, and even of the beſt courtiers, many of them having, by their wit and manners, raiſed themſelves into offices of conſequence under the court of Madrid. Their valuable qualities have recommended them to the eſteem of the kings of Spain, who have hitherto left them in poſſeſſion of thoſe great immunities of which they are ſo jealous. In 1632, indeed, the court laid a duty upon ſalt: the inhabitants of Bilbao roſe, and maſſacred all the officers appointed to collect it, and all the officers of the grand admiral. Three thouſand troops were ſent to puniſh them for rebellion: theſe they fought, and totally defeated, driving moſt of them into the ſea, which diſcouraged the court from purſuing their plan of taxation; and ſince that time the king has had no officer of any kind in the lordſhip, except his corregidor.

Many writers aſcribe their flouriſhing commerce

merce to their ſituation; but, as this is no better than that of Ferrol, or Corunna, that advantage is more probably due to their liberty. In riding through this little territory, you would fancy yourſelf in Connecticut; inſtead of miſerable huts, built of mud, and covered with ſtraw, you ſee the country full of large and commodious houſes and barns of the farmer; the lands well cultivated; and a wealthy, happy yeomanry. The roads, ſo dangerous and impaſſable in moſt other parts of Spain, are here very good, having been made at a vaſt expence of labour.

Although the government is called a democracy, we cannot here find all authority collected into one center; there are, on the contrary, as many diſtinct governments as there are cities and merindades. The general government has two orders at leaſt; the lord or governor, and the biennial parliament. Each of the thirteen ſubordinate diviſions has its organized government, with its chief magiſtrate at the head of it. We may judge of the form of all of them by that of the metropolis, which calls itſelf, in all its laws, the noble and illuſtrious republic of Bilbao. This city has its alcalde, who is both governor and chief juſtice, its twelve regidores or counſellors, attorney-general, &c. and by all theſe, aſſembled in the conſiſtorial palace under the titles of *conçejo, juſticia, y regimiento*, the laws are made in the name of the lord of Biſcay, and confirmed by him.

Theſe officers, it is true, are elected by the citizens, but they muſt by law be elected, as well as the deputies to the biennial parliament or junta general, out of a few noble families, unſtained, both by the ſide of father and mother, by any mixture with Moors, Jews, new converts, peni-

tentiaries of the inquiſition, &c. They muſt be natives and reſidents, worth a thouſand ducats, and muſt have no concern in commerce, manufactures, or trades, and, by a fundamental agreement among all the merindades, all their deputies to the junta general, and all their regidores, ſindics, ſecretaries, and treaſurers, muſt be nobles, at leaſt knights, and ſuch as never exerciſed any mechanical trades themſelves or their fathers. Thus we ſee the people themſelves have eſtabliſhed by law a contracted ariſtocracy, under the appearance of a liberal democracy. Americans, beware!

Although we ſee here in the general government, and in that of every city and merindad, the three branches of power, of the one, the few, and the many; yet, if it were as democratical as it has been thought by ſome, we could by no means infer, from this inſtance of a little flock upon a few impracticable mountains, in a round form of ten leagues diameter, the utility or practicability of ſuch a government in any other country.

The diſpoſition to diviſion, ſo apparent in all democratical governments, however tempered with ariſtocratical and monarchical powers, has ſhewn itſelf, in breaking off from it Guipuſcoa and Alaba; and the only preſervative of it from other diviſions has been the fear of their neighbours. They always knew, that as ſoon as they ſhould fall into factions, or attempt innovations, the court of Spain would interpoſe, and preſcribe them a government not ſo much to their taſte.

THE GRISONS.

In the republic of the Three Leagues of the Griſons, the ſovereign is all the people of a great part of the ancient Rhetia. This is called a democratical republic of three leagues. 1. The League of the Griſons. 2. The League Caddee. 3. The League of Ten Juriſdictions. Theſe three are united by the perpetual confederation of 1472, which has been ſeveral times renewed. The government reſides ſovereignly in the commons, where every thing is decided by the plurality of voices. The commons elect and inſtruct their deputies for the general diet, which is held once a year. Each league elects alſo its chief or preſident, who preſides at the diets, each one in his league. The general diet aſſembles one year at Ilanz, in the league of the Griſons; one year at Coire, in the league Caddee; and one year at Davons, in the league of Ten Juriſdictions. There is another ordinary aſſembly, compoſed of chiefs and of three deputies from each league, which is held at Coire, in the month of January. Beſides theſe regular aſſemblies, they hold congreſſes whenever the neceſſities of the ſtate require them; ſometimes of the chiefs alone, ſometimes of certain deputies from each league, according to the importance of the caſe: theſe aſſemblies are held at Coire. The three leagues form but one body in general affairs; and, although one league has more deputies than another, they count the voices without diſtinction of leagues. They conduct ſeparately their particular affairs. Their country is thirty-five leagues in length, and thirty in breadth.

Even in this happy country, where there is more equality than in almoſt any other, there are noble families, who, although they live like their neighbours by the cultivation of the earth, and think it no diſgrace, are very proud of the immenſe antiquity of their deſcent, and boaſt of it, and value themſelves upon it, as much as Julius Cæſar did, who was deſcended from a goddeſs.

THE UNITED PROVINCES OF THE LOW COUNTRIES.

THERE are in Frieſland and Overyſſell, and perhaps in the city of Dort, certain remnants of democratical powers, the fragments of an ancient edifice, which may poſſibly be re-erected; but as there is nothing which favours M. Turgot's idea, I ſhall paſs over this country for the preſent.

LETTER V.

SWITZERLAND.

MY DEAR SIR,

IT is commonly ſaid, that ſome of the cantons of Switzerland are democratical, and others ariſtocratical: and if theſe epithets are underſtood only to mean, that one of theſe powers prevails in ſome of thoſe republics, and the other in the reſt, they are juſt enough; but there is neither a ſimple democracy, nor a ſimple ariſtocracy, among them. The governments of theſe confederated ſtates,

ſtates, like thoſe of the United Provinces of the Netherlands, are very complicated, and therefore very difficult to be fully explained; yet the moſt ſuperficial inquirer will find the moſt evident traces of a compoſition of all the three powers in all of them.

To begin with the cantons commonly reputed democratical.

DEMOCRATICAL CANTONS.

APPENZEL.

THE canton of Appenzel conſiſts of a ſeries of vallies, ſcattered among inacceſſible rocks and mountains, in all about eighteen miles ſquare. The people are laborious and frugal, and have no commerce but in cattle, hides, butter, cheeſe, and a little linen made of their own flax. It has no walled towns, and only two or three open boroughs, and a few ſmall villages: it is, like New England, almoſt a continued village, covered with excellent houſes of the yeomanry, built of wood, each of which has its territory of paſture grounds, commonly ornamented with trees; neatneſs and convenience are ſtudied without, and a remarkable cleanlineſs within. The principal part of the inhabitants have preſerved the ſimplicity of the paſtoral life. As there are not, at moſt, above fifty thouſand ſouls, there cannot be more than ten thouſand men capable of bearing arms. It is not at all ſurpriſing, among ſo much freedom, though among rocks and herbs, to hear of literature, and men of letters who are an ornament to their country.

Nevertheleſs, this ſimple people, ſo ſmall in number, in ſo narrow a territory, could not agree. After a violent conteſt, in which they were in danger of a civil war, by the mediation of the other cantons, at the time of the Reformation, they agreed to divide the canton into two portions, the Outer and the Inner Appenzel, or Rhodes Exterior, and Rhodes Interior. Each diſtrict has now its reſpective chief magiſtrate, court of juſtice, police, bandaret, and deputy to the general diet, although the canton has but one vote, and conſequently loſes its voice if the two deputies are of different opinions. The canton is divided into no leſs than twelve communities; ſix of them called the Inner Appenzel, lying to the eaſt; and ſix the Outer, to the weſt. They have one general ſovereign council, which is compoſed of one hundred and forty-four perſons, twelve taken from each community.

The ſovereignty reſides in the general aſſembly, which, in the interior Rhodes, meets every year at Appenzel, the laſt Sunday in April; but, in the exterior Rhodes, it aſſembles alternately at Trogen and at Hundwyl. In the interior Rhodes are the chiefs and officers, the land amman, the tything-man, the governor, the treaſurer, the captain of the country, the director of the buildings, the director of the churches, and the enſign. The exterior Rhodes have ten officers, viz. two land ammans, two governors, two treaſurers, two captains, and two enſigns. The interior Rhodes is ſubdivided into ſix leſſer ones, each of which has ſixteen counſellors, among whom are always two chiefs. The grand council in the interior Rhodes, as alſo the criminal juriſdiction, is compoſed of one hundred and twenty-eight perſons, who aſ-

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ſemble twice a year, eight days after the general aſſembly, and at as many other times as occaſions require. Moreover, they have alſo the little council, called the weekly council, becauſe it meets every week in the year. The exterior Rhodes is now divided into nineteen communities; and the ſovereignty of them conſiſts in the double grand council of the country, called the old and new council, which aſſembles once a year, eight days after the aſſembly of the country, at Trogen, or at Heriſaw, and is compoſed of ninety and odd perſons. Then follows the grand council, in which, beſides the ten officers, the reigning chiefs of all the communities have ſeats, the directors of the buildings, the chancellor, and the ſautier, which make thirty-five perſons; the reigning land amman preſides. After this comes the little council from before the ſittern, which is held every firſt Tueſday of each month at Trogen; the reigning land amman is the preſident, to whom always aſſiſts, alternately, an officer, with a member of council from all the thirteen communities, the chancellor of the country, and the ſautier, and conſiſts of twenty and odd perſons. The little council from behind the ſittern is held under the preſidency of the reigning land amman, whenever occaſion requires; it is held at Heriſaw, Hundwyl, or Urnaeſchen: at it aſſiſt the chancellor of the country, and the ſautier, with the counſellors of the ſix communities behind the ſittern, appointed for this ſervice.

Let me aſk, if here are not different orders of men, and balances in abundance? Such an handful of people, living by agriculture, in primitive ſimplicity, one would think might live very quietly, almoſt without any government at all; yet, inſtead of being capable of collecting

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all authority into one aſſembly, they ſeem to have been forcibly agitated by a mutual power of repulſion, which has divided them into two commonwealths, each of which has its monarchical power in a chief magiſtrate; its ariſtocratical power in two councils, one for legiſlation, and the other for execution; beſides the two more popular aſſemblies. This is ſurely no ſimple democracy.—Indeed a ſimple democracy by repreſentation is a contradiction in terms.

LETTER VI.

UNDERWALD.

MY DEAR SIR,

THE canton of Underwald conſiſts only of villages and boroughs, although it is twenty-five miles in length, and ſeventeen in breadth. Theſe dimenſions, it ſeems, were too extenſive to be governed by a legiſlation ſo imperfectly combined, and nature has taught and compelled them to ſeparate into two diviſions, the one above, and the other below, a certain large foreſt of oaks, which runs nearly in the middle of the country, from north to ſouth. The inferior valley, below the foreſt, contains four communities; and the ſuperior, above it, ſix. The principal or capital is Sarnen. The ſovereign is the whole country, the ſovereignty reſiding in the general aſſembly, where all the males of fifteen have entry and ſuffrage; but each valley apart has, with reſpect to its interior concerns, its land amman, its officers of adminiſtration, and its public aſſembly, compoſed

poſed of fifty-eight ſenators, taken from the communities. As to affairs without, there is a general council, formed of all the officers of adminiſtration, and of fifty-eight ſenators choſen in the ſaid councils of the two valleys. Beſides this, there are, for juſtice and police, the chamber of ſeven, and the chamber of fifteen, for the upper valley, and the chamber of eleven for the lower.

Here again are arrangements more complicated, and ariſtocratical preferences more decided, in order to counterpoiſe the democratical aſſembly, than any to be found in America; and the land amman is as great a man in proportion as an American governor. Is this a ſimple democracy? Has this little clan of graziers been able to collect all authority into one center? Are there not three aſſemblies here to moderate and balance each other? and are not the executive and judicial powers ſeparated from the legiſlative? Is it not a mixed government, as much as any in America? although its conſtitution is not by any means ſo well digeſted as ten at leaſt of thoſe of the United States; and although it would never be found capable of holding together a great nation.

LETTER

LETTER VII.

GLARIS.

MY DEAR SIR,

THE canton of Glaris is a mountainous country, of eight miles long and four wide, according to their own authors, perhaps intending German miles; but twenty-five miles in length and eighteen in breadth, according to ſome Engliſh accounts. The commerce of it is in cheeſe, butter, cattle, linen, and thread. Ten thouſand cattle, and four thouſand ſheep, paſtured in ſummer upon the mountains, conſtitute their wealth.

The inhabitants live together in a general equality, and moſt perfect harmony; even thoſe of the different perſuaſions of Catholics and Proteſtants, who ſometimes perform divine ſervice in the ſame church, one after the other: and all the offices of ſtate are indifferently adminiſtered by both parties, though the Proteſtants are more in number, and ſuperior both in induſtry and commerce. All the houſes are built of wood, large and ſolid, thoſe of the richeſt inhabitants differing only from thoſe of the poorer, as they are larger.

The police is well regulated here, as it is throughout Switzerland. Liberty does not degenerate into licentiouſneſs. Liberty, independence, and an exemption from taxes, amply compenſate for a want of the refinements of luxury. There are none ſo rich as to gain an aſcendency by largeſſes. If they err in their councils, it is an error of the judgement, and not of the heart. As there

there is no fear of invaſion, and they have no conqueſts to make, their policy conſiſts in maintaining their independence, and preſerving the public tranquillity. As the end of government is the greateſt happineſs of the greateſt number, ſaving at the ſame time the ſtipulated rights of all, governments like theſe, where a large ſhare of power is preſerved by the people, deſerve to be admired and imitated. It is in ſuch governments that human nature appears in its dignity, honeſt, brave, and generous.

Some writers are of opinion, that Switzerland was originally peopled by a colony of Greeks. The ſame greatneſs of ſoul, the ſame ſpirit of independence, the ſame love of their country, has animated both the ancients and the moderns, to that determined heroiſm which prefers death to ſlavery. Their hiſtory is full of examples of victories obtained by ſmall numbers of men over large armies. In 1388 the Auſtrians made an irruption into their territory, with an army of fifteen thouſand men; but, inſtead of conquering the country as they expected, in attacking about four hundred men poſted on the mountains at Næfel, they were broken by the ſtones rolled upon them from the ſummit: the Swiſs, at this critical moment, ruſhed down upon them with ſuch fury, as forced them to retire with an immenſe loſs. Such will ever be the character of a people who preſerve ſo large a ſhare to themſelves in their legiſlature, while they temper their conſtitution, at the ſame time, with an executive power in a chief magiſtrate, and an ariſtocratical power in a wiſe ſenate.

The government here is by no means entirely democratical. It is true, that the ſovereign is the whole country, and the ſovereignty reſides in the

the general aſſembly, where each male of fifteen, with his ſword at his ſide, has his ſeat and vote. It is true, that this aſſembly, which is annually held in an open plain, ratifies the laws, lays taxes, enters into alliances, declares war, and makes peace.

But it has a firſt magiſtrate in a land amman, who is the chief of the republic, and is choſen alternately from among the Proteſtants and from among the Catholics. The Proteſtant remains three years in office; the Catholic two. The manner of his appointment is a mixture of election and lot. The people chooſe five candidates, who draw lots for the office. The other great officers of ſtate are appointed in the ſame manner.

There is a council called a ſenate, compoſed of the land amman, a ſtadthalder, and ſixty-two ſenators, forty-eight Proteſtants and fourteen Catholics, all taken from fifteen tagwen or corvees, into which the three principal quarters or partitions of the country are ſubdivided for its more convenient government. In this ſenate, called the council of regency, the executive power reſides. Each tagwen or corvee furniſhes four ſenators; beſides the borough of Glaris, which furniſhes ſix.

Inſtead of a ſimple democracy, it is a mixed government, in which the monarchical power in the land amman, ſtadthalder or pro-conſul, the ariſtocratical order in the ſenate, and the democratical in the general aſſembly, are diſtinctly marked. It is, however, but imperfectly balanced; ſo much of the executive power in an ariſtocratical aſſembly would be dangerous in the higheſt degree in a large ſtate, and among a rich people. If this canton could extend its dominion,

minion, or greatly multiply its numbers, it would ſoon find the neceſſity of giving the executive power to the land amman, in order to defend the people againſt the ſenate; for the ſenate, although it is always the reſervoir of wiſdom, is eternally the very focus of ambition.

LETTER VIII.

ZUG.

MY DEAR SIR,

THE canton of Zug is ſmall, but rich, and divided into mountains and plains. The ſovereign is the city of Zug, and part of the country. It is divided into five quarters, which poſſeſs the ſovereignty; the city of Zug is two, and the country three, Mentzingen, Egeri, and Bar. The government is very complicated, and the ſovereignty reſides in the general aſſembly of the five quarters, where each male perſon of fifteen years of age has admittance and a voice. It aſſembles annually, to enact laws and chooſe their magiſtrates. Thus theſe five quarters make a body of a democratical republic which commands the reſt of the canton. They furniſh alternately the land amman, the head or chief of the ſtate, who muſt always reſide at Zug with the regency of the country, although he is choſen by the ſuffrages of all the quarters collectively. He continues three years in office when taken from the diſtrict of Zug, and but two when choſen from any of the others.

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The council of regency, to whom the general adminiſtration of affairs is entruſted, is compoſed of forty ſenators, thirteen from the city, and twenty-ſeven from the country.

The city, moreover, has its chief, its council, and its officers apart, and every one of the other quarters has the ſame.

It is a total miſapplication of words to call this government a ſimple democracy; for, although the people are accounted for ſomething, and indeed for more than in moſt other free governments; in other words, although it is a free republic, it is rather a confederation of four or five republics, each of which has its monarchical, ariſtocratical, and democratical branches, than a ſimple democracy. The confederation, too, has its three branches; the general aſſembly, the regency of ſenators, and the land amman; being different orders tempering each other, as really as the houſe, council, and governor, in any of the United States of America.

LETTER IX.

URI.

MY DEAR SIR,

THE canton of Uri, the place of the birth and reſidence of William Tell, ſhook off the yoke of Auſtria in 1308, and, with Switz and Underwald, laid the foundation of the perpetual alliance of the cantons in 1315. The canton conſiſts only of villages and little towns or bour-

gades, and the whole is divided into ten genoſſamen, or inferior communities. It has no city. Altdorf, where the general aſſemblies are held, and the land amman and regency reſide, is the principal village.

The land amman and the principal magiſtrates are elected in the general aſſembly, in which all the male perſons of fifteen years of age have a right to a ſeat and a vote.

The ſenate or council of regency, in whom is veſted the executive power, is compoſed of ſixty members, taken equally from each genoſſamen, though they reſide at the capital borough. From this council are taken all the neceſſary officers.

There are two other councils; one called the chamber of ſeven, and the other the chamber of fifteen, for the management of leſſer affairs.

The valley of Urſeren, three leagues in length and one in breadth, marches under the banners of Uri; but it is but an ally, connected by treaty in 1410. It has its proper land amman and council, and has alſo a bailiwick ſubject to it.

The village of Gerſaw is a league in breadth, and two in length: there are about a thouſand inhabitants. This is the ſmalleſt republic in Europe: it has, however, its land amman, its council of regency, and its general aſſembly of burgeſſes, its courts of juſtice and militia, although it is ſaid there is not a ſingle horſe in the whole empire. Such a diminutive republic, in an obſcure corner, and unknown, is intereſting to Americans, not only becauſe every ſpot of earth on which civil liberty flouriſhes deſerves their eſteem, but upon this occaſion is particularly im-

portant, as it ſhews the impoſſibility of erecting even the ſmalleſt government among the pooreſt people, without different orders, councils, and balances.

LETTER X.

SWITZ.

MY DEAR SIR,

THE canton of Switz has the honour of giving the name to the whole confederation, becauſe the firſt battle for independency was fought there: yet it conſiſts only of villages divided into ſix quarters, the firſt of which is Switz, where the ordinary regency of the country reſides. The ſovereign is the whole country; that is to ſay, the ſovereignty reſides in the general aſſembly of the country, where all the males of fifteen years of age have a right of entry and ſuffrage.

Yet they have their land amman, and their ordinary regency, at which the land amman preſides, compoſed of ſixty counſellors, taken equally from the ſix quarters. All the neceſſary officers are taken from this council.

There are, beſides, the ſecret chamber, the chamber of ſeven, and the chamber of nine, for finance, juſtice, and police.

LETTER

LETTER XI.

ARISTOCRATICAL REPUBLICS.

THE CANTON OF BERNE.

MY DEAR SIR,

IT is ſcarcely poſſible to believe that M. Turgot, by collecting all authority into one center, could have intended an ariſtocratical aſſembly. He muſt have meant, however, a ſimple form of government of ſome kind or other; and there are but three kinds of ſimple forms, democracy, ariſtocracy, and monarchy. As we have gone through moſt, if not all, the governments in Europe in which the people have any ſhare, it will throw much light upon our ſubject if we proceed to the ariſtocracies and oligarchies; for we ſhall find all theſe under a neceſſity of eſtabliſhing orders, checks, and balances, as much as the democracies. As the people have been always neceſſitated to eſtabliſh monarchical and ariſtocratical powers, to check themſelves from ruſhing into anarchy; ſo have ariſtocratical bodies ever been obliged to contrive a number of diviſions of their powers to check themſelves from running into oligarchy.

The canton of Berne has no other ſovereign than the ſingle city of Berne. The ſovereignty reſides in the grand council, which has the legiſlative power, and the power of making peace, war, and alliances, and is compoſed of two hun-

dred counſellors and ninety-nine aſſeſſors, the election of whom is made, by the ſeizeniers and the ſenate, from the citizens, from whom they are ſuppoſed virtually to derive their power; but a general aſſembly of the citizens is never called together on any occaſion, or for any purpoſe, not even to lay taxes, nor to make alliances or war. To be eligible into the grand council, one muſt be a citizen of Berne, member of one of the ſocieties or tribes, and at leaſt in the thirtieth year of his age.

The executive power is delegated by the grand council to the ſenate or little council, which is compoſed of twenty ſeven perſons, including the two avoyers or chiefs of the republic, the two treaſurers of the German country, and of the pays de Vaud, and the four bannerets or commanders of the militia, taken from the four firſt tribes, for the four diſtricts of the city. Vacancies in this ſenate are filled up by a complicated mixture of ballot and lot: twenty-ſix balls, three of which are gold, are drawn out of a box by the ſeveral ſenators; thoſe who draw the golden ones nominate three electors out of the little council; in the ſame manner, ſeven members are deſignated from the grand council, who nominate ſeven electors from their body; theſe ten nominate ten candidates to be voted for in the grand council: the four of theſe who have the moſt votes draw each of them a ball out of a box, which has in it two of gold and two of ſilver; the two who draw the gold are voted for in the grand council, and he who has the moſt votes is choſen, provided he be married, and has been ten years in the grand council.

Vacancies in the grand council are filled up, at certain periods of about ten years, and two new members

members are appointed by each avoyer, one by each ſeizenier and ſenator, and two or three others by other officers of ſtate: if there are more vacancies, they are filled by the election of the ſeizeniers and ſenators.

The ſeizeniers, who have this elective power, are drawn by lot from among thoſe members of the grand council who have held the office of bailiffs, and who have finiſhed the term of their adminiſtration. The bannerets and ſeizeniers have, by the conſtitution, an authority for three days in Eaſter, reſembling that of the cenſors in ancient Rome, and may deprive any member of either council of his place; but, as their ſentence muſt be confirmed by the great council, they never exerciſe their power. There are ſix noble families at Berne, who enjoy the precedence of all the other ſenators, although more ancient members, and have rank immediately after the bannerets.

The principal magiſtrates are, the two avoyers, who hold their offices for life, the two treaſurers, who continue for ſix years, and the four bannerets, who remain only four. The avoyers officiate alternately a year; and the reigning avoyer, although he preſides in council, in an elevated ſeat under a canopy, and has the public ſeal before him, has no vote except in caſes of equal diviſions, and never gives his opinion unleſs it is required. The avoyer, out of office, is the firſt ſenator and preſident of the ſecret council.

The ſecret council is compoſed of the avoyer out of office, the four bannerets, the two treaſurers, and two other ſecret counſellors taken from the ſenate. In this body all affairs that re-

quire ſecrecy, and ſome of theſe are of great importance, are debated and determined.

The grand council aſſembles and deliberates by its own authority at ſtated times, and ſuperintends all affairs, although the moſt important are delegated generally to the ſenate. The whole adminiſtration is celebrated for its uncommon moderation, preciſion, and diſpatch.

There are ſeventy-two bailiwicks, diſtributed in four claſſes, comprehending a country of ſixty leagues in length, or a third part of all Switzerland, ſubject to this city. The bailiffs are appointed by lot from the grand council. They were formerly choſen, but this method rendering all the members dependent upon a few who had the moſt influence, it had too ſtrong a tendency to an oligarchy. The bailiwicks are the moſt profitable places, and are filled from the grand council. The bailiffs live in much ſplendour, and are able to lay up two or three thouſand pounds ſterling a year, beſides diſcharging all their expences. They repreſent the ſovereign authority, put the laws in execution, collect the revenues, act as judges in civil and criminal cauſes; but an appeal lies to Berne, in civil cauſes, to the courts of juſtice, and in criminal to the ſenate: but as the judges on appeal are perſons who either have been or expect to be bailiffs, there is great reaſon to be apprehenſive of partiality.

There is no ſtanding army, but every male of ſixteen is enrolled in the militia, and obliged to provide himſelf an uniform, a muſket, powder and ball; and no peaſant is allowed to marry without producing his arms and uniform. The arms are inſpected every year, and the men exerciſed. There are arſenals of arms at Berne, and

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in every bailiwick, ſufficient for the militia of the diſtrict, and a ſum of money for three months pay. The dragoons are choſen from the ſubſtantial farmers, who are obliged to provide their own horſes and accoutrements. There is a council of war, of which the avoyer out of place is preſident in peace; in war, a general is appointed to command all the forces of the ſtate.

There is a political ſeminary for the youth, called the exterior ſtate, which is a miniature of the whole government. The young men aſſemble and go through all the forms; they have their grand council, ſenate, avoyers, treaſurers, bannerets, ſeizeniers, &c.: the poſt of avoyer is ſought with great aſſiduity. They debate upon political ſubjects, and thus improve their talents by exerciſe, and become more capable of ſerving the public in future life.

The nobility in this country are haughty, and much averſe to mixing in company, or any familiar converſation with the common people: the commons are taught to believe the nobles ſuperiors, whoſe right it is to rule; and they believe their teachers, and are very willing to be governed.

LETTER XII.

FRIBOURG.

MY DEAR SIR,

THE canton of Fribourg is ariſtocratical, not having more than forty families who can have any part in the government. Theſe all live very nobly; that is to ſay, without commerce, manufactures, or trades.

The ſovereignty and legiſlative authorities reſide in the council of two hundred perſons, compoſed of the two avoyers, who are for life, twenty-two counſellors, four bannerets, ſixty other counſellors, from whom the twenty-four who compoſe the ſenate, in which reſides the executive power, are taken when they are to be replaced, and one hundred and twelve others, whom they call the grand ſenate of two hundred.

The two avoyers are elected by the plurality of ſuffrages of all the citizens. They hold their offices for life, and preſide alternately a year. The twenty-two counſellors are alſo for life, and are deſignated by lot, as well as the bannerets, whoſe charges continue but three years. The ſixty alſo are nominated by lot, and are drawn from the hundred and twelve, called the two hundred. Theſe laſt come forward in the ſtate by the preſentation and nomination of the ſecret chamber, compoſed of twenty-four beſides the bannerets, who are the chiefs of it. This chamber, which is ſovereign, beſides the right of nomination to the ſtate, has alone that of correction, and of propoſing regulations.

The two avoyers, the twenty-two counſellors, and the four bannerets, form the little ſenate, which hears and determines civil cauſes, and aſſembles every day.

The affairs of ſtate are carried before the grand ſenate of two hundred.

The tribes are corporations of tradeſmen, who have no part in government, and who aſſemble in the abbays, only for the affairs of their occupations, and all their ſtatutes are approved or rejected by the ſenate.

There are thirty-one bailiwicks ſubject to this canton. The method of determining the members

bers of the little ſenate and ſecret council is another check. The names of the candidates in nomination are placed in a box, containing as many partitions as there are perſons: the ballots are thrown into this box by the electors, without knowing how the names are placed; and the candidate whoſe name occupies the diviſion, which receives by accident the moſt ballots, has the lot. This is to guard againſt the influence of families; for, among thoſe few families from which alone any candidate can be taken, ſome have more influence than others. The canton contains ſixty-ſix thouſand ſouls. Its land produces good paſture, ſome corn, and little wine; it has no commerce, and not much literature. It has more troops in foreign ſervice than any other canton in proportion. As the rivers and lakes have a direct communication with the ſea, they might have a valuable commerce; but as none of the perſons concerned in government can be merchants, no commerce can ever be in faſhion, except that of their noble blood to foreign ſovereigns. It is no doubt much to the honour of their fidelity and valour to be choſen ſo generally to be the life-guards of princes; but whether they can vindicate ſuch a traffic, upon principles of juſtice, humanity, or policy, or from the imputation of a more mercenary ſpirit than that of ordinary commerce, is for them to conſider. The conſervation of the oligarchy is entirely owing, however, to this cuſtom: for a youthful fiery nobility, at home in idleneſs, would neceſſarily become ambitious of popularity, and either procure, by intrigues and inſurrections, a greater ſhare of importance to the people, or ſet up one of the greateſt genius and enterprize among them for a deſpot. In foreign ſervice they exhauſt their reſtleſs years, and re-

turn, after the deaths of their fathers, fatigued with diſſipation, to enjoy their honours and eſtates; to ſupport thoſe laws which are ſo partial to their wiſhes; and to re-aſſume the manly ſimplicity of manners of their native country.

LETTER XIII.

SOLEURE.

MY DEAR SIR,

THE canton of Soleure, ſeven leagues in breadth and twelve in length, contains fifty thouſand ſouls, and the Patrician families are in quiet poſſeſſion of all the public offices. The ſovereign is the city of Soleure; and the ſovereignty reſides in the grand council, conſiſting of two avoyers, who preſide alternately, and whoſe election depends upon the council, and all the citizens in general, who are divided into eleven tribes; of twenty-three of the thirty-three ſenators taken from the tribes, each of which furniſhes three; and of ſixty-ſix members who repreſent the citizens, and are taken alſo from the tribes in equal numbers, viz. ſix from each tribe.

The ſenate is compoſed of the two avoyers, and the thirty-three ſenators taken from the tribes, making thirty-five in all, who are called the little council, conduct the affairs of ſtate, and judge cauſes civil and criminal. The two councils make together the number of one hundred, without computing the avoyer in office, who preſides in chief. This body, named the grand council, makes laws and ſtatutes; treats of alliances, peace and

and war; decides appeals in the laſt reſort; elects the treaſurer, the fourth in rank in the ſtate, and the exterior bailiffs. The thirty-three ſenators conſiſt of eleven alt-raths or ſenior counſellors, and twenty-two yunk-raths or juniors. Upon the removal by death of one of the alt-raths, the eldeſt of the yunk-raths ſucceeds him, and this vacancy is filled out of the great council, by election of the eleven alt-raths. From among the alt-raths, the two avoyers, the banneret, and the treaſurer, the four principal magiſtrates of the commonwealth, are choſen; and on the death of an avoyer, the banneret ſucceeds to his place, after having gone through the formality of nomination by the general aſſembly of citizens. Vacancies in the grand council are ſupplied by the alt-raths from the ſame tribe to which the deceaſed member belonged. There is an annual meeting of the whole body of the citizens, in which the avoyers and banneret are confirmed in their places: the ſenior and junior counſellors at the ſame time mutually confirm each other. All theſe confirmations are matters of courſe, and mere form. All other public employments are diſpoſed of by the ſenate.

The revenues of the public, and ſalaries of offices, are very conſiderable, and afford the few diſtinguiſhed families very profitable emoluments. The grand ſautier is annually elected by all the citizens. There are ſeveral tribunals and chambers: the ſecret council, formed of the two avoyers, the banneret, the treaſurer, the moſt ancient of the ſenators of the firſt order or alt-raths, the ſecretary of ſtate, and attorney-general: the council of war: the council of juſtice, which is compoſed of ſix members of the little council, and eleven members of the grand council; one

of

of whom is furniſhed by each tribe; the grand ſautier preſides in it, inſtead of the avoyer in office: the conſiſtory, and the chamber of orphans. This canton has a large country ſubject to it, comprehending eleven bailiwicks.

The ſoil is extremely fertile, yet there is a want of hands for agriculture, and population decreaſes; although commodiouſly ſituated for commerce, they have none. Theſe circumſtances are enough to ſhew the bleſſings of a government by a few noble families. They ſhew another thing, ſtill more curious; to wit, the conſequences of mixing the nobles and commons together. The latter have here been induced to reduce their own conſtitutional ſhare in the government to a mere form, and complaiſantly to reſign all the ſubſtance into the hands of thoſe whom they think their natural ſuperiors: and this will eternally happen, ſooner or later, in every country, in any degree conſiderable for extent, numbers, or wealth, where the whole legiſlative and executive power are in one aſſembly, or even in two, if they have not a third power to balance them.

Let us by no means omit, that there is a grand arſenal at Soleure, as there is at Berne, well ſtored with arms in proportion to the number of inhabitants in the canton, and ornamented with the trophies of the valour of their anceſtors.

Nor ſhould it be forgotten, that a defenſive alliance has ſubſiſted between France and ſeveral of theſe cantons for more than a century, to the great advantage of both. Theſe republicans have found in that monarchy a ſteady, faithful, and generous friend. In 1777 the alliance was renewed in this city of Soleure, where the French ambaſſador reſides; and extended to all the cantons. In the former treaty an article was inſerted, that

that if any diſſenſions ſhould ariſe between the cantons, his majeſty ſhould, at the requeſt of one of the parties, interpoſe his mediation by all gentle means to bring about a reconciliation: but if theſe ſhould fail, he ſhould compel the aggreſſor to fulfil the treaties between the cantons and their allies. As this article was manifeſtly incompatible with that independence which republicans ought to value above all things, it has been wiſely omitted in the new treaty; and it would have become the dignity of the Swiſs character to have renounced equally thoſe penſions, which are called Argents de Paix et d'Alliance, as inconſiſtent not only with a republican ſpirit, but with that equality which ought to be the foundation of an alliance.

LETTER XIV.

LUCERNE.

MY DEAR SIR,

THE canton of Lucerne comprehends a country of ſixteen leagues long and eight wide, containing fifteen bailiwicks, beſides ſeveral cities, abbays, monaſteries, ſeigniories, &c. The inhabitants are almoſt wholly engaged in agriculture, and the exportation of their produce. Their commerce might be greatly augmented, as the river Reuſs iſſues from the lake, paſſes through the town, and falls into the Rhine.

The city contains leſs than three thouſand ſouls, has no manufactures, little trade, and no encouragement for learning: yet the ſovereign is this ſingle city, and the ſovereignty reſides in the little-

little and great council, having for chiefs two avoyers, who are alternately regents. There are five hundred citizens in the town, from whom a council of one hundred are choſen, who are nominally the ſovereignty; out of this body are formed the two diviſions, the little council, ſenate, or council of ſtate, conſiſting of thirty-ſix members, divided into two equal parts of eighteen each, one of which makes choice of the other every half year. The whole power is actually exerciſed by this body, the two diviſions of which adminiſter the government by turns. They are ſubject to no coutroul, are neither confirmed by the ſovereign council, nor by the citizens; the diviſion which retires confirming that which comes in. As the vacancies in the ſenate are filled up by themſelves, all power is in poſſeſſion of a few Patrician families. The ſon ſucceeds the father, and the brother his brother.

The grand council conſiſts of ſixty-four perſons, taken from the citizens, who are ſaid to have their privileges; but it is hard to gueſs what they are, as the elections are made by the little and great council conjointly.

The adminiſtration, the police, the finances, and the whole executive power, is in the ſenate, which is conſtantly ſitting.

The grand council is aſſembled only upon particular occaſions, for the purpoſe of legiſlation. The ſenate has cognizance of criminal cauſes, but in capital caſes the grand council is convoked to pronounce ſentence: in civil cauſes an appeal lies from the ſenate to the grand council; but theſe appeals can be but mere forms, the ſame ſenators being in both courts.

As the ſenate conſtitutes above a third of the grand council, chooſe their own members, confer all

all employments, have the nomination to eccleſiaſtical benefices, two thirds of the revenues of the canton belonging to the clergy, their influence muſt be uncontroulable.

The two avoyers are choſen from the ſenate by the council of one hundred, and are confirmed annually. The relations of the candidates are excluded from voting: but all ſuch checks againſt influence and family connections in an oligarchy are futile, as all laws are cyphers. There are alſo certain chambers of juſtice and police.

In ſome few inſtances, ſuch as declaring war and making peace, forming alliances or impoſing taxes, the citizens muſt be aſſembled and give their conſent, which is one check upon the power of the nobles.

LETTER XV.

ZURICH.

MY DEAR SIR,

THE canton of Zurich contains one hundred and fifty thouſand ſouls, upon an area of forty miles by thirty, abounds in corn, wine and all the ordinary productions of excellent paſtures. Literature has been encouraged, and has conſtantly flouriſhed in this country, from the time of Zuinglius to that of Geſner and Lavater. The inhabitants are induſtrious, their manufactures conſiderable, and their commerce extenſive.

In the city is a public granary, an admirable reſource againſt ſcarcity, and a magnificent arſenal well filled with cannon, arms, and ammunition, particularly muſquets for thirty thouſand men;

men; the armour of the old Swiſs warriors, and the bow and arrow with which William Tell ſhot the apple on the head of his ſon—

Who with the generous ruſtics ſate,
On Uri's rock, in cloſe divan,
And wing'd that arrow, ſure as fate,
Which fix'd the ſacred rights of man.

The ſovereign is the city of Zurich. The ſovereignty reſides in the two burgomaſters, in the little council compoſed of forty-eight members, and the grand council compoſed of one hundred and ſixty-two members; all taken from thirteen tribes, one of which is of the nobles, and the other twelve of citizens.

Although there are twelve thouſand ſouls in the capital, and one hundred and fifty in the canton, there are not more than two thouſand citizens. In early times, when the city had no territory round it, or a ſmall one, the citizens were in poſſeſſion of the government; when they afterwards made additions by conqueſt or purchaſe, they ſtill obſtinately held this power, and excluded all their new ſubjects. It is an hundred and fifty years ſince a new citizen has been admitted: beſides electing all the magiſtrates and holding all offices, they have maintained a monopoly of commerce, and excluded all ſtrangers, and even ſubjects of the canton, from conducting any in the town. Such are commons, as well as nobles and princes, whenever they have power unchecked in their hands!

There is even in this commercial republic a tribe of nobles, who conſider trade as a humiliation.

The

The legiſlative authority is veſted in the grand council of two hundred and twelve, including the ſenate.

The ſenate conſiſts of twenty-four tribunes, and four counſellors choſen by the nobles, to theſe are added twenty, elected by the ſovereign council; making in all, with the two burgomaſters, fifty: half of them adminiſter ſix months, and are then ſucceeded by the reſt. The burgomaſters are choſen annually by the ſovereign council, and one of them is preſident of each diviſion of the ſenate, which has the judicial power, in criminal matters, without appeal, and in civil, with an appeal, to the grand council.

The members of the ſenate are liable to be changed, and there is an annual reviſion of them, which is a great reſtraint.

The ſtate is not only out of debt, but ſaves money every year againſt any emergency. By this fund they ſupported a war in 1712, without any additional taxes. There is not a carriage in the town, except it be of a ſtranger.

Zurich has great influence in the general diet, which ſhe derives more from her reputation for integrity, and original Swiſs independence of ſpirit, than from her power.

LETTER XVI.

SCHAFFHAUSE.

MY DEAR SIR,

THE ſovereign is the city of Schaffhauſe. The citizens, about ſixteen hundred, are divided into twelve tribes, one of which conſiſts of nobles, and eleven are ordinary citizens.

The ſovereignty reſides in the little and grand councils.

The ſenate, or little council of twenty-five, has the executive power.

The great council, compriſing the ſenate, has the legiſlative, and finally decides appeals.

The burgomaſters are the chiefs of the republic, and alternately preſide in both councils.

Beſides theſe, there are the ſecret council, of ſeven of the higheſt officers; the chamber of juſtice, of twenty-five, including the preſident; the prætorian chamber, of thirteen, including the preſident; the conſiſtory, of nine; and the chamber of accounts, of nine. The city has ten bailiwicks ſubject to it.

THE CITY OF MULHOUSE.

The ſovereign is the city: the ſovereignty reſides in the little and the grand council. The leſſer council is compoſed of twenty-four perſons; viz. three burgomaſters, who preſide by turns, each one ſix months, nine counſellors, and twelve tribunes, who ſucceed by election, and are taken from the grand council.

The grand council is compoſed of ſeventy-eight, viz. the twenty-four of the leſſer council, thirty-ſix members of the tribes, ſix from each, and eighteen taken from the body of the citizens, and elected three by each one of the ſix tribes.

THE CITY OF BIENNE.

The republic of Bienne contains leſs than ſix thouſand ſouls.

The

The regency is compoſed of the great council, in which the legiſlative authority reſides, conſiſting of forty members; and of the little council, compoſed of twenty-four, who have the executive.

Each of theſe councils elect their own members, from the ſix confraternities of the city.

The burgomaſter is choſen by the two councils, preſides at their meetings, and is the chief of the regency; he continues in office for life, although he goes through the form of an annual confirmation by the two councils, when the other magiſtrates ſubmit to the ſame ceremony. The burgomaſter keeps the ſeal, and, with the bannéret, the treaſurers, and the ſecretary, forms the œconomical chamber, and the chamber of orphans.

This town ſends deputies to the general diets, ordinary and extraordinary.

LETTER XVII.

THE REPUBLIC OF ST. GALL.

MY DEAR SIR,

THE republic of St. Gall is a league and a half in circumference, and contains nine thouſand ſouls. The inhabitants are very induſtrious in manufactures of linen, muſlin, and embroidery; have an extenſive commerce; and arts, ſciences, and literature, are eſteemed and cultivated

vated among them. They have a remarkable public library, in which are thirteen volumes of original manuſcript letters of the firſt reformers. To ſee the different effects of different forms of government on the human character, and the happineſs and proſperity of nations, it would be worth while to compare this city with Conſtance, in its neighbourhood.

This happy and proſperous, though diminutive republic, has its grand council of ninety perſons, its little council of twenty-four, and three burgomaſters. The little council conſiſts of the three burgomaſters, nine ſenators, and twelve tribunes. The grand council conſiſts of all the little council, and eleven perſons from each tribe; for the city is divided into the ſociety of the nobles, and ſix tribes of the artiſans, of whom the weavers are the principal.

Beſides theſe there are, the chamber of juſtice, the chamber of five, and ſome others.

GENEVA.

In the republic of Geneva, the ſovereignty reſides in the general council, lawfully convened, which comprehends all the orders of the ſtate, and is compoſed of four ſindics, chiefs of the republic, preſidents of all the councils; of the leſſer council of twenty-five; of the grand council of two hundred, though it conſiſts of two hundred and fifty when it is complete; and of all the citizens of twenty-five years of age. The rights and attributes of all theſe orders of the ſtate are fixed by the laws. The hiſtory of this city deſerves to be ſtudied with anxious attention by

by every American citizen. The principles of government, the neceſſity of various orders, and the fatal effects of an imperfect balance, appear no where in a ſtronger light. The fatal ſlumbers of the people, their invincible attachment to a few families, and the cool deliberate rage of thoſe families, if ſuch an expreſſion may be allowed, to graſp all authority into their own hands, when they are not controuled or over-awed by a power above them in a firſt magiſtrate, are written in every page. I need only refer you to Dr. d'Ivernois's Hiſtorical and Political View of the Conſtitution and Revolutions of Geneva in the eighteenth Century, which you received from the author, to convince you of this.

Let me add here, that the facts relating to the Swiſs cantons, and their environs, mentioned in theſe letters, are taken from the *Quarante Tables Politiques de la Suiſſe, par C. E. Faber, Bernois, Paſteur, à Biſhviller*, in 1746; with ſome additional obſervations from the beautiful Sketches of Mr. Coxe, which I ſend you with this letter, and which you will find as inſtructive as they are entertaining.

The petty council is indifferently called the council of *twenty-five*, the *petit council*, or the *ſenate*.

The council of ſixty is a body elected by the ſenate, and meets only for the diſcuſſion of foreign affairs.

The grand council, and council of two hundred, are one and the ſame body; it is ſtill called the council of two hundred, though it now conſiſts of two and hundred fifty members.

The general council, called indiſcriminately the *ſovereign council*, the *general aſſembly*, the *ſove-*

reign aſſembly, the *aſſembly of the people*, or the *council general*, is compoſed of all the citizens or freemen of twenty-five years of age.

At the time of the Reformation, every affair, important or trifling, was laid before the general aſſembly; it was both a deliberating and acting body, that always left the cognizance of details to four ſindics: this was neceſſary, in that time of danger, to attach the affections of the citizens to the ſupport of the commonwealth by every endearing tie. The city was governed by two ſindics of its own annual election. The multiplicity of affairs had engaged each ſindic to nominate ſome of the principal citizens to ſerve as aſſeſſors during his adminiſtration; theſe aſſeſſors, called counſellors, formed a council of twenty-five perſons. In 1457 the general council decreed, that the council of twenty-five ſhould be augmented to ſixty. This body, in 1526, was augmented to two hundred.

Thus far the ariſtocratical gentlemen proceeded upon democratical principles, and all is done by the general aſſembly. At this inſtant commences the firſt overt act of ariſtocratical ambition.—Warm in their ſeats, they were loth to leave them, or hold them any longer at the will of the people. With all the ſubtlety, and all the ſagacity and addreſs which is characteriſtic of this order of men in every age and nation, they prevailed on the people to relinquiſh for the future the right of electing counſellors in the general aſſembly; and the people, with their characteriſtic of ſimplicity, and unbounded confidence in their rulers when they love them, became the dupes, and paſſed a law, that the two councils ſhould for the future elect, or at leaſt approve and affirm, each other,

other. This is a natural and unavoidable effect of doing all things in one aſſembly, or collecting all authority into one center. When magiſtrates and people meet in one aſſembly, the former will for ever do as they pleaſe, provided they proceed with any degree of prudence and caution.

The conſequence was, that the annual reviews were a farce; only in a very few inſtances, for egregious faults, were any excluded; and the two councils became perpetual, and independent of the people entirely. The illuſions of ambition are very ſubtle: if the motives of theſe magiſtrates, to extend the duration of their authority, were the public good, we muſt confeſs they were very ignorant. It is moſt likely they deceived themſelves as well as their conſtituents, and miſtook their own ambition for patriotiſm: but this is the progreſſive march of all aſſemblies; none can confine themſelves within their limits, when they have an opportunity of tranſgreſſing them. Theſe magiſtrates ſoon learned to conſider their authority as a family property, as all others in general, in ſimilar circumſtances, ever did, and ever will.

They behaved like all others in another reſpect too: their authority being now permanent, they immediately attack the ſindics, and tranſfer their power to themſelves.

The whole hiſtory of Geneva, ſince that period, follows of courſe: the people, by their ſupineneſs, had given up all balances, and betrayed their own privileges, as well as the prerogatives of their firſt magiſtrates, into the hands of a few families.

The people of Geneva, as enlightened as any, have never conſidered the neceſſity of joining with the ſindics, nor the ſindics that of joining the

people, but have conſtantly aimed at an impoſſibility, that of balancing an ariſtocratical by a democratical aſſembly, without the aid of a third power.

LETTER XVIII.

LUCCA.

MY DEAR SIR,

THE government of this republic is ſaid to be purely ariſtocratical; yet the ſupreme power is lodged in the hands of two hundred and forty nobles, with the chief magiſtrate at their head, who is called conſalloniero, or ſtandard-bearer, and has the executive power. This magiſtrate is aſſiſted by nine counſellors, called amziani, whoſe dignity laſts but nine months; he has a life-guard of ſixty Swiſs, and lives in the republic's palace, as do his counſellors, at the public expence: after ſix years he may be rechoſen. The election of all officers is decided in the ſenate by ballot.

GENOA.

THE legiſlative authority of Genoa is lodged in the great ſenate, conſiſting of ſeniors, or the doge and twelve other members, with four hundred noblemen and principal citizens, annually elected. All matters of ſtate are tranſacted by the

the ſeniors, the members of which hold their places for two years, aſſiſted by ſome other councils; and four parts in five of the ſenate muſt agree in paſſing a law. The doge is obliged to reſide in the public palace the two years he enjoys his office, with two of the ſeniors, and their families. The palace where he reſides, and where the great and little council, and the two colleges of the procuratori and gouvernatori aſſemble, is a large ſtone building in the center of the city. At the expiration of his time, he retires to his own houſe for eight days, when his adminiſtration is either approved or condemned; and in the latter caſe, he is proceeded againſt as a criminal. At the election of the doge a crown of gold is placed on his head, and a ſcepter in his hand, as king of Corſica; he is attended with life-guards, is clothed in crimſon velvet, and ſtyled Moſt Serene, the ſenators Excellencies, and the nobility Illuſtrious.

The nobility are allowed to trade in the wholeſale way, to carry on velvet, ſilk, and cloth manufactures, and to have ſhares in merchant ſhips; and ſome of them, as the Palavacini, are actually the greateſt merchants in Genoa.

The extent is about one hundred and fifty-two miles, the breadth from eight to twenty miles.

LETTER

LETTER XIX.

VENICE.

MY DEAR SIR,

THE republic of Venice has exiſted longer than thoſe of Rome or Sparta, or any other that is known in hiſtory. It was at firſt democratical, and their magiſtrates, under the name of tribunes, were choſen by the people in a general aſſembly of them. A tribune was appointed annually, to diſtribute juſtice on each of thoſe iſlands which this people inhabited. Whether this can be called collecting all authority into one center, or whether it was not rather dividing it into as many parcels as there were iſlands, this ſimple form of government ſufficed, in ſo ſmall a community, to maintain order for ſome time; but the tyrannical adminiſtration of the tribunes, and their eternal diſcords, rendered a revolution neceſſary; and after long altercations, and many projects, the people, having no adequate idea of the only natural balance of power among three orders, determined that one magiſtrate ſhould be choſen, as the center of all authority---the eternal reſource of every ignorant people, harraſſed with democratical diſtractions or ariſtocratical encroachments. This magiſtrate muſt not be called king, but duke, and afterwards doge; he was to be for life, but at his death another was to be choſen; he was to have the nomination of all magiſtrates, and the power of peace and war. The unbounded popularity and great real merit of Paul Luc Anafeſte, added to the preſſure of tribunary tyranny, and the danger of a foreign enemy,

enemy, accompliſhed this revolution. The new doge was to conſult only ſuch citizens as he ſhould judge proper: this, inſtead of giving him a conſtitutional council, made him the maſter; he however ſent polite meſſages to thoſe he liked beſt, *praying* that they would come and adviſe him. Theſe were ſoon called pregadi, as the doge's council is ſtill called, though they are now independent enough of him. The firſt and ſecond doge governed mildly; but the third made the people repent of their confidence: after ſerving the ſtate by his warlike abilities, he enſlaved it; and the people, having no conſtitutional means to reſtrain him, put him to death in his palace, and reſolved to aboliſh the office. Hating alike the name of tribune and of doge, they would have a maſter of the militia, and he ſhould be annually eligible. Factions too violent for this tranſient authority aroſe; and, only five years after, the people aboliſhed this office, and reſtored the power of the doge, in the perſon of the ſon of him whom in their fury they had aſſaſſinated. For a long courſe of years after this, the Venetian hiſtory diſcloſes ſcenes of tyranny, revolt, cruelty, and aſſaſſination, which excite horror. Doges, endeavouring to make their power hereditary, aſſociating their eldeſt ſons with them in office, and both together oppreſſing the people; theſe riſing, and murdering them, or driving them into baniſhment, never once thinking of introducing a third order between them and their firſt magiſtrate, nor any other form of government by which his power or theirs might be limited. In the tenth century, a ſon of their doge took arms againſt his father, but was defeated, baniſhed, and declared incapable of ever being doge; yet no ſooner was the father dead, than this worthleſs

ſon

ſon was elected, and brought back in great pomp to Venice: he became ſoon a tyrant and a monſter, and the people tore him to pieces, but took no meaſure to frame a legal government. The city increaſed in commerce, and by conqueſts, and the new ſubjects were not admitted to the privileges of citizens: this acceſſion of dominion augmented the influence of the doge. There was no aſſembly but that of the people, and another called the council of forty, for the adminiſtration of juſtice. This body, in the twelfth century, formed ſomething like a plan of government.

Although the deſcendants of the ancient tribunes and doges were generally rich, and had a ſpontaneous reſpect ſhewn to the antiquity of their families, they were not properly a nobility, having no legal rights, titles, or juriſdictions. As any citizen might be elected to a public office, and had a vote in the aſſemblies, it was neceſſary for the proudeſt among them to cultivate the good will of the multitude, who made and murdered doges. Through all theſe conteſts and diſſenſions among a multitude, always impatient, often capricious, demanding, at the ſame time, all the promptitude and ſecrecy of an abſolute monarchy, with all the licence of a ſimple democracy, two things wholly contradictory to each other, the people had, to their honour, ſtill maintained their right of voting in aſſembly, which was a great privilege, and nobody had yet dared to aim a blow at this acknowledged right of the people.

The council of forty now ventured to propoſe a plan like that of Mr. Hume in his idea of a perfect commonwealth, and like that which our friend,

friend, Dr. Price, informs us was propoſed in the convention of Maſſachuſett's.

The city was divided into ſix diſtricts, called ſeſtiers. The council of forty propoſed, that each of theſe partitions ſhould name two electors, amounting to twelve in all, who ſhould have the power of chooſing, from the whole city, four hundred and ſeventy, who ſhould have the whole power of the general aſſembly, and be called the grand council.

The people were amuſed with fine promiſes of order and regularity, and conſoled with aſſertions that their right of election ſtill continued, and that thoſe who ſhould not be choſen one year, might be the next: and, not perceiving that this law would be fatal to their power, ſuffered that ariſtocracy to be thus founded, which ſubſiſts to this hour. The next propoſal was, that a committee of eleven ſhould be appointed to name the doge. Though the deſign of reducing the people to nothing might have been eaſily ſeen in theſe manœuvres, yet the people, wearied, irritated, and diſcouraged, by eternal diſcords, agreed to both.

The council of forty having thus ſecured the people, turned their eyes to the doge, whoſe authority had often been perverted to the purpoſes of oppreſſion, and, having no legal check, had never been reſtrained but by violence, and all the confuſions which accompany it. They propoſed that a privy council of ſix ſhould be appointed for the doge, one from each diviſion of the city, by the grand council themſelves, and that no orders ſhould be valid without their concurrence: this paſſed into a law with unanimous applauſe. They then propoſed a ſenate of ſixty, who were to be elected out of the grand council,

and

and to be called the pregadi: this too was approved. The grand council of four hundred and ſeventy, the ſenate of ſixty, the ſix counſellors, and eleven electors, were accordingly all choſen, and the laſt were ſworn to chooſe a doge without partiality, favour, or affection: and the new-choſen doge, having taken care to diſtribute money among the multitude, was received with univerſal acclamations. In his reign was inſtituted, by permiſſion of the pope, the curious ceremony of wedding the ſea, by a ring caſt into it, *in ſignum veri et perpetui imperii.* Under the next doge the avogadors were inſtituted to ſee that the laws were fully executed.

In the thirteenth century, ſix new magiſtrates, called correctors, were created by the ſenate, to inquire into all abuſes during the reign of a deceaſed doge, and report them to the ſenate; and it was enacted, that the fortune of the doge ſhould indemnify the ſtate for whatever damage it had ſuffered during his adminiſtration: and theſe correctors have been appointed at the deceaſe of every doge ſince that time. In the next reign, a new tribunal of forty was erected, for the trial of civil cauſes. In the thirteenth century, a new method of appointing the doge, by the famous ballot of Venice, a complicated mixture of choice and chance, was adopted.

Each of the grand counſellors, now augmented to forty-one to avoid the inconvenience of an equal diviſion, draws a ball out of a box, containing thirty gilt, and the reſt white; thoſe who draw the gilt ones go into another room, where is a box with thirty balls, nine of which are gilt; draw again, and thoſe who obtain the gilt balls are the *firſt electors*; who chooſe forty, comprehending themſelves in that number; the forty,

by repeating the whole proceſs, are reduced to twelve *ſecond electors*, the firſt of whom names three, and the reſt two a piece: theſe twenty-five draw again from as many balls, nine of which are gilt; this reduces them to nine *third electors*, each of whom chooſes five: which forty-five are reduced, by a repetition of the ballot, to eleven *fourth electors*, and they have the appointment of forty-one, who are the direct electors of the doge. The choice generally turns upon two or three candidates, whoſe names are put into another box and drawn out: the firſt whoſe name is drawn retires, and proclamation is made for objections againſt him: if any are made, he comes in, and is heard in his defence: then the electors proceed to determine by ayes and noes; if there are twenty-five ayes, he is choſen, if not, another name is read, and the ſame deciſion repeated, until there are twenty-five in the affirmative.

The grand council, ever anxious to limit the power of the doge, ſoon thought it improper that the public acts ſhould be ſigned by chancellors appointed by him, and accordingly determined to appoint this officer themſelves.

The ſenate then began to think it too great a reſpect to the people to have the new doge preſented to them for their acclamations, and ordained that a ſindic ſhould congratulate him in the name of the people on his election. The populace, who had weakly ſurrendered their rights, were very angry at being deprived of this ſhow, and proclaimed a doge of their own; but he was afraid of the conteſt, and retired, and the people having no man of weight to head them, gave up this point.

The new doge, who had much contempt for popular government, and ſome reſentment for the ſlight

ſlight oppoſition he had met with, procured a law to be paſſed, that all the members of the grand council ſhould hold their places for life, and tranſmit them to their poſterity, and that their elections by the people's electors ſhould ceaſe. This eſtabliſhment of an hereditary legiſlative nobility, no doubt, ſhocked the citizens in general, but chiefly thoſe of ancient families, who were not at that moment members of the grand council; to ſilence theſe, the moſt powerful of them were received into the grand council, and others were promiſed that they ſhould be admitted at a future time. Commerce and wars ſoon turned the attention of the reſt of the people from all thought about the loſs of their privileges. Some few, however, ſome time after formed a plan not to convene the people in a body, and new-model the conſtitution, but to aſſaſſinate the doge and council all together. The plot, which was carried on by the plebeians, was diſcovered, and the chiefs executed. Another originated amongſt the nobles, ſome of them of the grand council, who being of very ancient families, could not bear to ſee ſo many citizens raiſed to a level with themſelves, and others of the moſt diſtinguiſhed of theſe, who were not of the grand council, and had not been received afterwards according to promiſe. This produced a ſkirmiſh in the city, but ſome of the conſpiring nobles were killed, the reſt routed, and many executed; but it was thought prudent to admit ſeveral of the moſt diſtinguiſhed families. Theſe two conſpiracies produced a council of ten, upon which were afterwards engrafted the ſtate inquiſition.

Great care is taken in Venice to balance one court againſt another, and render their powers mutual checks to each other. The college called the

the ſeigniory, was originally compoſed of the doge and ſix counſellors; to theſe were added ſix of the grand council choſen by the ſenate, and called the ſavii or ſages; then five more for land affairs, and then five for ſea affairs, in the room of whom, five young noblemen are now choſen every ſix months, who attend, without a vote, for their education; to theſe were added the three chiefs of the criminal court, from a jealouſy of the power of the college, which is both the cabinet council, and the repreſentative of the ſtate, giving audience and anſwers to ambaſſadors, to agents of towns, and generals of the army; receives all petitions, ſummons the ſenate, and arranges its buſineſs.

There is one inſtance of a doge's concerting a conſpiracy to ſhake off the controul of the ſenate; but as it was an old man of fourſcore, whoſe young wife, on whom he doted, was not treated with ſufficient reſpect by the nobility, we need not wonder, that he had not ſenſe enough to think of introducing a regular, well-balanced conſtitution by a joint concurrence of the people, and the nobility; the whole plan was to maſſacre the grand council; and although he engaged in this deſign, ſome of the higheſt officers, and a large party, the plot was diſcovered, the doge himſelf tried, condemned, and beheaded, as ſo infamous a piece of mad villainy juſtly deſerved.

A punctual execution of the laws is, no doubt, eſſential to the exiſtence of this ſtate, and there are ſtriking inſtances of perſons puniſhing their neareſt relations with the moſt unrelenting ſeverity; without this, the doge on one hand, or the people on the other, would ſoon think of a union againſt the ruling nobility. The ariſtocracy is always ſagacious, and knows the neceſſity of a rigorous impartiality, in order to preſerve its

power, and all the barriers we have deſcribed have been erected for this purpoſe: but all would be inſufficient to reſtrain their paſſions without the lions mouths and the ſtate inquiſitors; theſe were engrafted on the council of ten. This terrible tribunal is ſovereign in all crimes againſt the ſtate; it conſiſts of ten choſen yearly by the grand council; the ſix of the ſeigniory aſſiſt, and the doges preſide when they pleaſe. Three chiefs, appointed monthly by lot, to open all letters, ſeize the accuſed, take examinations, and proſecute the priſoner, who is cloſely confined, allowed no council, and finally acquitted or condemned to death, in public or private, by the plurality of voices. This was the original tribunal, but it was not found ſufficient, and the ſtate inquiſitors were erected in the beginning of the ſixteenth century. This tribunal conſiſts only of three perſons, all taken from the council of ten, who have authority to decide, without appeal, on the life of every citizen, the doge himſelf not excepted. They employ what ſpies they pleaſe; if they are unanimous, they may order a priſoner to be ſtrangled in gaol, or drowned in the canal, hanged in the night, or by day, as they pleaſe; if they are divided, the cauſe muſt go before the council of ten, but even here, if the guilt is doubtful, the rule is to execute the priſoner in the night. The three may command acceſs to the houſe of every individual in the ſtate, and have even keys to every apartment in the ducal palace, may enter his bed-chamber, break his cabinet, and ſearch his papers. By this tribunal have doge, nobility, and people, been kept in awe, and reſtrained from violating the laws, and to this is to be aſcribed the long duration of this ariſtocracy.

Such are the happy effects of the ſpirit of families, when they are not bridled by an executive authority, in the hands of a firſt magiſtrate on one hand, and by an aſſembly of the people in perſon, or by adequate repreſentation, on the other. Such are the bleſſings which, in courſe of ages, ſpring from a neglect in the beginning, to eſtabliſh three orders, and a perfect balance between them. There can be, in the nature of things, no balance without three powers. The ariſtocracy is always more ſagacious than an aſſembly of the people collectively, or by repreſentation, and always proves an overmatch in policy, ſooner or later. They are always more cunning too than a firſt magiſtrate, and always make of him a doge of Venice, a mere ceremony, unleſs he makes an alliance with the people to ſupport him againſt them. What is the whole hiſtory of the wars of the barons but one demonſtration of this truth! What are all the ſtanding armies in Europe, but another! Theſe were all given to kings by the people, to defend them againſt ariſtocracies. The people have been generally of M. Turgot's mind, that balances, and different orders, were unneceſſary, and, harraſſed to death with the domination of noble families, they have generally ſurrounded the thrones with troops to humble them. They have ſucceeded ſo far as generally to make the nobles dependent on the crown, but having given up the balance which they might have held in their own hands, they are ſtill ſubject to as much ariſtocratical domination, as the crowns think proper to permit. In Venice, the ariſtocratical paſſion for curbing the prince and the people has been carried to its utmoſt length. It is aſtoniſh-

ing to many, that any man will accept the office of doge. Theſe ſagacious nobles, who always know at leaſt the vices and weakneſſes of the human heart better than princes or people, ſaw that there would be generally vanity enough in an individual to flatter himſelf, that he had qualities to go through his adminiſtration without incurring cenſure, and with applauſe; and farther, that the frivolous diſtinction of living in the ducal palace, and being the firſt man in the nation, though it were only the firſt among equals, would tempt moſt men ro riſque their lives and fortunes, and accordingly it has ſo happened. There has been an uncommon ſolicitude all along to reſtrain his power; this, no doubt, was to prevent him from a poſſibility of negociating with the people againſt them: on the other hand, there has been uncommon exertions to annihilate every power, every hope in the people; this was to prevent them from having a legal poſſibility of applying to the doge for aſſiſtance. All this together would not, however, have ſucceeded, if death, in the ſhape of the inquiſition, had not been made to ſtare both doge and people in the face upon the firſt thought of conferring together.

The nobles are divided into ſix claſſes. 1. Twelve of the moſt ancient families. 2. Four families that in the year 880 ſubſcribed to the building of the abbey of St George. 3. Thoſe whoſe names were written in the golden book, in 1296. 4. Thoſe that were ennobled by the public in 1385. 5. Thoſe who purchaſed their nobility for one hundred thouſand ducats in 1646. And 6. The ſtrangers who have been received into the number of nobility: the whole make about two thouſand five hundred.

There

There are four councils: 1. The doge and ſix ſignoria. 2. The conſiglio grande, in which all the nobles have ſeats and voices. 3. Conſiglio de pregadi, of 250, and is the ſoul of the republic. 4. Conſiglio proprio delli dieci—and the ſtate inquiſitors.

THE REPUBLIC OF THE UNITED PROVINCES OF THE LOW COUNTRIES.

HERE were a Stadtholder, an aſſembly of the States General, a council of ſtate: the Stadtholder hereditary had the command of armies and navies, and appointment of all officers, &c.

Every province had an aſſembly beſides, and every city, burgomaſters, counſellors, and ſchepens or judges, beſides an hooft officer, and his dienders, for the police.

The hiſtory of this country, and its complicated conſtitutions, affords an inexhauſtible ſtore of materials to our purpoſe; but, conſidering the critical ſituation of it, prudence dictates to paſs it over: with all the ſagacity, and more wiſdom than Venice or Berne, it has always had more conſideration of the people than either, and has given more authority to the firſt magiſtrate: they have never had any excluſive preferences of families or nobles. Offices have, by law at leaſt, been open to all men of merit.

LETTER XX.

ENGLAND.

MY DEAR SIR,

POLAND and England. The hiſtories of theſe countries would confirm the general principle we contend for: the laſt eſpecially. But who can think of writing upon this ſubject after De Lolme, whoſe book is the beſt defence of the political balance of three powers that ever was written?

If the people are not equitably repreſented in the houſe of commons, this is a departure in practice from the theory.—If the lords return members of the houſe of commons, this is an additional diſturbance of the balance: whether the crown and the people in ſuch a caſe will not ſee the neceſſity of uniting in a remedy, are queſtions beyond my pretenſions: I only contend that the Engliſh conſtitution is, in theory, the moſt ſtupendous fabric of human invention, both for the adjuſtment of the balance, and the prevention of its vibrations; and that the Americans ought to be applauded inſtead of cenſured, for imitating it as far as they have. Not the formation of languages, not the whole art of navigation and ſhipbuilding, does more honour to the human underſtanding than this ſyſtem of government. The Americans have not indeed imitated it in giving a negative, upon their legiſlature, to the executive power; in this reſpect their balances are incomplete, very much, I confeſs, to my mortification: in other reſpects, they have ſome of them fallen

ſhort

ſhort of perfection, by giving the choice of ſome militia officers, &c. to the people—theſe are however ſmall matters at preſent. They have not made their firſt magiſtrates hereditary, nor their ſenators: here they differ from the Engliſh conſtitution, and with great propriety.

The Agrarian in America is divided into the hands of the common people in every ſtate, in ſuch a manner, that nineteen twentieths of the property would be in the hands of the commons, let them appoint whom they could for chief magiſtrate and ſenators: the ſovereignty then, in fact, as well as morality, muſt reſide in the whole body of the people; and an hereditary king and nobility, who ſhould not govern according to the public opinion, would infallibly be tumbled inſtantly from their places: it is not only moſt prudent then, but abſolutely neceſſary, to avoid continual violence, to give the people a legal, conſtitutional, and peaceable mode of changing theſe rulers, whenever they diſcover improper principles or diſpoſitions in them. In the preſent ſtate of ſociety, and with the preſent manners, this may be done, not only without inconvenience, but greatly for the happineſs and proſperity of the country. In future ages, if the preſent ſtates become great nations, rich, powerful, and luxurious, as well as numerous, their own feelings and good ſenſe will dictate to them what to do: they may make tranſitions to a neater reſemblance of the Britiſh conſtitution, by a freſh convention, without the ſmalleſt interruption to liberty. But this will never become neceſſary, until great quantities of property ſhall get into few hands.

The truth is, that the people have ever governed in America: all the weight of the royal governors and councils, even backed with fleets

and armies, have never been able to get the advantage of them, who have always ſtood by their houſes of repreſentatives in every inſtance, and carried all their points; and no governor ever ſtood his ground againſt a repreſentative aſſembly: as long as he governed by their advice he was happy; as ſoon as he differed from them he was wretched, and ſoon obliged to retire.

LETTER XXI.

POLAND.

MY DEAR SIR,

THE king of Poland is the firſt magiſtrate in the republic, and derives all his authority from the nation.—He has not the power to make laws, raiſe taxes, contract alliances, or declare war, nor to coin money, nor marry, without the ratification of the diet.

The ſenate is compoſed of the clergy and nobility; the third eſtate, or people, is not ſo much as known. The grand marſhal, the marſhal of the court, the chancellor, vice chancellor, and the treaſurer, are the firſt ſenators.

The nobility, or gentry, poſſeſs the dignities and employments, in which they never permit ſtrangers, or the commonalty, to have any participation; they elect their king, and would never ſuffer the ſenate to make themſelves maſters of this election. The peaſants are ſlaves to the gentry; having no property, all their acquiſitions are made for their maſters, and are expoſed to all their paſſions, and are oppreſſed with impunity.

The

The general diets, which are uſually held at Warſaw or Grodno, are preceded by particular aſſemblies of palatinates, in which the deputies are choſen for the general aſſembly, and inſtructed; the deputies aſſembled in general diet proceed to the election of a marſhal, who has a very extraordinary power, that of impoſing ſilence on whom he pleaſes; he is the chief or ſpeaker of the aſſembly.

At the death, abdication, or depoſition of a king, the primate calls the aſſembly of the electors to an open field near Warſaw. Here the electors take an oath not to ſeparate until they ſhall have unanimouſly elected a king, nor to render him, when elected, any obedience, until he has ſworn to obſerve the *pacta conventa*, and the laws.

The candidates muſt let their gold glitter, and give ſplendid entertainments, which muſt be carried into debauch: the nobility are captivated with the attractions of magnificence and Hungarian wine, and infallibly declare in favour of the candidate who cauſes it to flow in the greateſt profuſion. The ambaſſadors enter upon intrigues, even in public; the nobility receive their preſents, ſell their ſuffrages with impunity, and render the throne venal, but often behave with little fidelity to the candidate in whoſe intereſt they pretend to be engaged, and, forgetting the preſents they have received, eſpouſe the cauſe of a more wealthy competitor without heſitation. When the candidate has gained all the ſuffrages, he is declared king, and ſworn to obſerve the *pacta conventa*, and the laws, and then crowned. The Poles are polite and friendly, but magnificence is the foible of the nobility, and they ſacrifice all things to luxury: as they ſeldom ſee any perſon ſuperior to them

them in their own country, and treat their inferiors with an air of abſolute authority, they live in all the ſplendor of princes. This is the account of the Abbe des Fontaines in the year 1736; it is to be hoped things are ſince changed for the better; but if this account was then true, who can wonder at what has happened ſince!

Here again is no balance; a king, and an aſſembly of nobles, and nothing more: the nobles here diſcover their unalterable diſpoſition, whenever they have the power, to limit the king's authority; and there being no mediating power of the people, collectively or repreſentatively, between them, the conſequence has been, what it always will be in ſuch a caſe, confuſion and calamity.

LETTER XXII.

POLAND.

MY DEAR SIR,

SINCE the letter concerning Poland was ſent you, Mr. Coxe's travels into that kingdom, &c. have fallen into my hands; and they contain ſo many facts material to our argument, that it is very proper to ſend you the ſubſtance of this account; indeed there is ſcarcely a book in the world, in any manner relative to the hiſtory of government, or to thoſe branches of philoſophy on which it depends, which is not much to our purpoſe.

In the moſt ancient times, which records or hiſtory elucidate, the monarchy of Poland, like all

all others denominated feudal, was in theory and pretenſion abſolute. The barons too, in this country as in all others, were very often impatient under ſuch reſtraint. When the prince was an able ſtateſman and warrior, he was able to preſerve order; but when he was weak and indolent, it was very common for two or three barons in conjunction to make war upon him; and ſometimes it happened that all together leagued againſt him at once. In every feudal country, where the people had not the ſenſe and ſpirit to make themſelves of importance, the barons became an ariſtocracy, inceſſantly encroaching upon the crown, and, under pretence of limiting its authority, took away from it one prerogative after another, until it was reduced down to a mere doge of Venice, or avoyer of Berne; until the kings, by incorporating cities and granting privileges to the people, ſet them up againſt the nobles, and obtained by their means ſtanding armies ſufficient to controul both nobles and commons.

The monarchy of Poland, nearly abſolute, ſunk in the courſe of a few centuries, without any violent convulſion, into an ariſtocracy.

It came to be diſputed whether the monarchy was hereditary or elective, and whether its authority was ſovereign or limited. The firſt queſtion is reſolved, by ſuppoſing that the crown continued always in the ſame family, although, upon the death of a king, his ſucceſſor was recognized in an aſſembly of the nobles. The ſecond may be anſwered by ſuppoſing, that when the king was active and capable, he did as he pleaſed; but when he was weak, he was dictated to by a licentious nobility. Caſſimir the Great retrenched the authority of the principal barons, and granted immunities to the leſſer nobility and gentry;

gentry; well aware that no other expedient could introduce order, except a limitation of the vaſt influence, poſſeſſed by the palatines or principal nobility. If this prince had been poſſeſſed of any ideas of a free government, he might eaſily have formed the people and inferior gentry into an aſſembly by themſelves, and, by uniting his power with theirs, againſt the encroachments of the nobles upon both, have preſerved it. His nephew, Louis of Hungary, who ſucceeded him, being a foreigner, was obliged by the nobility to ſubſcribe conditions at his acceſſion, not to impoſe any taxes by his royal authority, without the conſent of the nation, that is, of the nobles, for no other nation is thought on: that in caſe of his demiſe without male heirs, the privilege of appointing a king ſhould revert to the nobles. In conſequence of this agreement Louis was allowed to aſcend the throne: having no ſon, with a view of inſuring the ſucceſſion to Sigiſmund his ſon-in-law, he promiſed to diminiſh the taxes, repair the fortreſſes at his own expence, and to confer no offices or dignities on foreigners.

Louis died: but Sigiſmund was emperor, and therefore powerful, and might be formidable to the new immunities. The Poles, aware of this, violated the compact with Louis, neglected Sigiſmund, and elected Ladiſlaus, upon his ratifying Louis's promiſes, and marrying his daughter.

Ladiſlaus, having relinquiſhed the right of impoſing taxes, called an aſſembly of prelates, barons, and military gentlemen, in their reſpective provinces, in order to obtain an additional tribute. Theſe provincial aſſemblies gave birth to the dietines; which now no longer retain the power of raiſing money in their ſeveral diſtricts, but only elect the nuncios or repreſentatives for the diet.

Ladiſlaus

Ladiſlaus the third, the ſon of the former, purchaſed his right to the ſucceſſion, during the life of his father, by a confirmation of all the conceſſions before granted, which he ſolemnly ratified at his acceſſion. Caſſimir the third, brother of Ladiſlaus the third, conſented to ſeveral further innovations, all unfavourable to regal perogative.—One was the convention of a national diet, inveſted with the ſole power of granting ſupplies. Each palatinate or province was allowed to ſend to the general diet, beſides the palatines and other principal barons, a certain number of nuncios or repreſentatives, choſen by the nobles and burghers. Is it not ridiculous, that this reign ſhould be conſidered by the popular party, as the æra at which the freedom of the conſtitution was permanently eſtabliſhed? This freedom, which conſiſts in a king without authority; a body of nobles in a ſtate of uncontrouled anarchy; and a peaſantry groaning under the yoke of feudal deſpotiſm: the greateſt inequality of fortune in the world; the extremes of riches and poverty, of luxury and miſery, in the neighbourhood of each other; a univerſal corruption and venality pervading all ranks; even the firſt nobles not bluſhing to be penſioners of foreign courts; one profeſſing himſelf publicly an Auſtrian, another a Pruſſian, a third a Frenchman, and a fourth a Ruſſian; a country without manufactures, without commerce, and in every view the moſt diſtreſſed in the world.—But to proceed with an enumeration of the meaſures by which they have involved themſelves in theſe pitiable circumſtances:

Caſſimir was involved in ſeveral unſucceſsful wars, which exhauſted his treaſures: he applied to the diet for ſubſidies.

Every

Every ſupply was accompanied with a liſt of grievances, and produced a diminution of the royal perogative. The barons, at the head of their vaſſals, were bound to fight, and the king could require ſuch feudal ſervices in defence of the kingdom: but Caſſimir the third, to obtain pecuniary aids, gave up the power of ſummoning the nobles to his ſtandard, and of enacting any law without the concurrence of the diet. John Albert, to procure an election in preference to his elder brother, aſſented to all the immunities extorted from his predeceſſors, and ſwore to their obſervance, in 1469. Alexander, his ſucceſſor, declared in 1505, the following limitations of ſovereign authority to be fundamental laws of the kingdom. 1. The king cannot impoſe taxes. 2. He cannot require the feudal ſervices. 3. Nor alienate the royal domains. 4. Nor enact laws. 5. Nor coin money. 6. Nor alter the proceſs in the courts of juſtice. Sigiſmund the firſt ſucceeded Alexander, and under his reign the Poliſh conſtitution was the moſt tolerable, as the property of the ſubject was beſt ſecured, and the crown had conſiderable influence: but this did not ſatisfy the nobles. Under Sigiſmund Auguſtus, ſon and ſucceſſor of Sigiſmund the firſt, that favourite object of the Poliſh nobles, the free election of the king was publicly brought forward, and the king obliged to agree, that no future monarch ſhould ſucceed to the throne, unleſs freely elected by the nation: before this, the ſovereigns upon their acceſſion, though formally raiſed by the conſent of the nation, ſtill reſted their pretenſions upon hereditary right, always ſtiling themſelves heirs of the kingdom of Poland. Sigiſmund Auguſtus was the laſt who bore that title; at his death, in 1572, all title to the crown from

from hereditary right was formally aboliſhed; and the abſolute freedom of election eſtabliſhed upon a permanent baſis: a charter of immunities was drawn up at a general diet, a ratification of which it was determined to exact of the new ſovereign, prior to his election. This charter, called *pacta conventa*, contained the whole body of privileges obtained from Louis, and his ſucceſſors, with the following additions: 1. That the king ſhould be elective, and that his ſucceſſor ſhould never be appointed during his life. 2. That the diets, the holding of which depended ſolely upon the will of the kings, ſhould be aſſembled every two years. 3. That every nobleman or gentleman in the realm ſhould have a vote in the diet of election. 4. That in caſe the king ſhould infringe the laws and privileges of the nation, his ſubjects ſhould be abſolved from their oaths of allegiance. From this period the *pacta conventa*, occaſionally enlarged, have been confirmed by every ſovereign at his coronation.

Henry of Valois, brother of Charles the ninth of France, who aſcended the throne after the conſtitution was thus new-modelled, ſecured his election by private bribes to the nobles, and by ſtipulating an annual penſion to the republic from the revenues of France. His example has been followed by every ſucceeding king, who, beſides an unconditional ratification of the *pacta conventa*, has always been conſtrained to purchaſe the crown by a public largeſs, and private corruption. Such is Poliſh liberty, and ſuch the bleſſings of a monarchy elective by a body of nobles.

Under Stephen Bathori, the royal authority, or rather the royal dignity, was farther abridged, by the appointment of ſixteen ſenators, choſen at each diet, to attend the king, and to give their opinion

opinion in all matters of importance, ſo that he could not iſſue any decree without their conſent. Another fatal blow was given to the perogative in 1578, by taking from the king the ſupreme juriſdiction of the cauſes of the nobles: it was enacted, that without the concurrence of the king, each palatinate ſhould elect in their dietines their own judges, who ſhould form ſupreme courts of juſtice, called *tribunalia regni*, in which the cauſes of the nobles ſhall be decided without appeal; a mode which prevails to this day.

In the reign of John Caſſimir, in 1652, was introduced the *liberum veto*, or the power of each nuncio to interpoſe a negative, and break up a diet, a privilege which the king himſelf does not enjoy. When the diet was debating upon tranſactions of the utmoſt importance, which required a ſpeedy deciſion, a nuncio cried out, "I ſtop the pro-"ceedings," and quitted the aſſembly: and a venal faction, who ſupported his proteſt, unheard-of as it was, obtained the majority, and broke up the aſſembly in confuſion. The conſtitution was thus wholly changed, and an unlimited ſcope given to faction. The innovation was ſupported by the great officers of ſtate, the general, treaſurer, and marſhal, who being once nominated by the king, enjoyed their offices for life, reſponſible only to the diets, conſcious that they could at all times engage a nuncio to proteſt, and thus elude an inquiry into their adminiſtration; it was alſo ſupported by the adherents of many nobles accuſed of capital crimes before the diet, the only tribunal before which they could be tried; all the nuncios who oppoſed the raiſing of additional ſubſidies by taxes, which the exigencies of the ſtate then demanded, ſeconded the propoſal of putting an end to the aſſembly. But the principal

cauſe of all were the foreign powers, intereſted to foment confuſions in the Poliſh councils. Before this, they were obliged to ſecure a majority; afterwards, they might put an end to any diet unfriendly to their views, by corrupting a ſingle member. This *veto* broke up ſeven diets in the reign of John Caſſimir, four under Michael, ſeven under John Sobieſki, and thirty during the reigns of the two Auguſti. In conſequence of this neceſſity of unanimity, which they call the deareſt palladium of Poliſh liberty, Poland has continued above a hundred years almoſt without laws.

But as the king ſtill beſtowed the ſtaroſties, or royal fiefs, which are held for life, and conferred the principle dignities and great offices of ſtate; he was ſtill the fountain of honour, and maintained great influence in the councils of the nations; but this laſt branch of the royal prerogative was lately wreſted from the crown at the eſtabliſhment of the permanent council.

Thus it appears in the hiſtory of Poland, as in that of Venice, Genoa, Berne, Soleure, and all others, that the nobles have continued without interruption to ſcramble for diminutions of the regal authority, to graſp the whole executive power, and augment their own privileges; and have attained a direct ariſtocracy, under a monarchical name, where a few are above the controul of the laws, while the many are deprived of their protection.

The preſent wretched ſtate of the towns, compared with their former flouriſhing condition; the poverty of the peaſants, whoſe oppreſſions have increaſed in proportion to the power of the nobles, having loſt a protector when the king

loſt his weight in the conſtitution; the total confuſion in all public affairs; the declenſion of importance, and loſs of territory—all ſhew that abſolute monarchy is preferable to ſuch a republic. Would twelve millions of inhabitants, under an Engliſh conſtitution, or under the conſtitution of any one of the United States, have been partitioned and diſmembered? No; not by a league of all the abſolute ſovereigns of Europe againſt them at once.—Such are the effects of collecting all authority into one center, of neglecting an equilibrium of powers, and of not having three branches in the legiſlature.

The practice of cantoning a body of ſoldiers near the plain where the kings are elected, has been adopted by ſeveral foreign powers for near a century; and, although it may be galling to the nobility, prevents the effuſion of blood that formerly deluged the aſſembly. This was done, at the election of Staniſlaus Auguſtus, by the empreſs of Ruſſia and the king of Pruſſia; five thouſand Ruſſian troops were ſtationed at a ſmall diſtance from the plain of Vola.

Staniſlaus was in the thirty-ſecond year of his age when he aſcended the throne, in 1764. From his virtues and abilities, the faireſt hopes were conceived of his raiſing Poland from its deplorable ſituation; but his exertions for the public good were fettered by the conſtitution, by the factions of a turbulent people, and the intrigues of neighbouring powers. His endeavours to introduce order at home, and independence abroad, which would have increaſed the power of his country, and her conſideration with foreign nations, alarmed the neighbouring powers. The ſpirit of religious intolerance produced a civil war,

war, and the ſenate petitioned the ambaſſador from Peterſburgh, not to withdraw the Ruſſian troops. The royal troops, aided by the Ruſſians, whoſe diſcipline was ſuperior, were in favour of religious liberty. The confederates, ſecretly encouraged by Auſtria, aſſiſted by the Turks, and ſupplied with money and officers by the French, were able to protract hoſtilities from 1768 to 1772: during this period the attempt was made to aſſaſſinate the king.

Count Pulaſki, who was killed in the ſervice of the United States, is ſaid to have planned an enterprize ſo much to his diſhonour. No good cauſe ever was, or ever will be, ſerved by aſſaſſination; and this is happily, in the preſent age, the univerſal ſenſe of mankind. If a papal nuncio was found in Poland, capable of bleſſing the weapons of conſpirators againſt this tolerant king, he was a monſter, whoſe bloody bigotry the liberal ſpirit of the Pope himſelf muſt, at this enlightened period, abominate. The king did himſelf immortal honour by his interceſſion with the diet to remit the tortures and horrid cruelties decreed by the laws of moſt kingdoms in Europe againſt treaſon, and by his moderation towards all the conſpirators.

We are now arrived at the conſummation of all panegyrics upon a ſovereignty in a ſingle aſſembly—the partition.

Pruſſia was formerly in a ſtate of vaſſalage to this republic; Ruſſia once ſaw its capital and throne poſſeſſed by the Poles; and Auſtria was indebted to John Sobieſki, a ſovereign of this country, for compelling the Turks to raiſe the ſiege of Vienna, but a century ago. A republic ſo lately the protectors of its neighbours, would not, without the moſt palpable imperfections in

the orders and balances of its government, have declined in an age of general improvement, and become a prey to any invader—much leſs would it have forced the world to acknowledge, that the tranſlation of near five millions of people, from a republican government to that of abſolute empires and monarchies, whether it were done by right or by wrong, is a bleſſing to them. The partition was projected by the king of Pruſſia, who communicated it to the emperor and empreſs. The plague was one circumſtance, and the Ruſſian war againſt the Turks another, that favoured the deſign; and the partition-treaty was ſigned at Peterſburg, in February 1772, by the Ruſſian, Auſtrian, and Pruſſian plenipotentiaries. The troops of the three courts were already in poſſeſſion of the greateſt part of Poland, and the confederates were ſoon diſperſed. The partitioning powers proceeded with ſuch ſecrecy, that only vague conjectures were made at Warſaw, and that lord Cathcart, the Engliſh miniſter at Peterſburg, obtained no authentic information of the treaty until two months after its ſignature. The formal notification, to the king and ſenate at Warſaw, was made by the Imperial and Pruſſian ambaſſadors, in September 1772, of the pretenſions of their courts to the Poliſh territory. The remonſtrances of the king and ſenate, as well as thoſe of the courts of London, Paris, Stockholm, and Copenhagen, had no effect; and the moſt humiliating record that ever appeared in the annals of a republic is ſeen in the king's ſummons—"Since there are no hopes from any "quarter, and any further delays will only tend "to draw down the moſt dreadful calamities "upon the remainder of the dominions which "are left to the republic, the diet is convened

"for

" for the 19th of April, 1773, *according to the* " *will of the three courts*; nevertheleſs, in order " to avoid all cauſe of reproach, the king, with " the advice of the ſenate, again appeals to the " guarantees of the treaty of Oliva." It is not to be doubted, that if there had been in Poland a people in exiſtence, as there is in Holland, to have given this amiable prince only the authority of a ſtadtholder, he would have ſaid, " I will " die in the laſt ditch."

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loſt his weight in the conſtitution; the total confuſion in all public affairs; the declenſion of importance, and loſs of territory—all ſhew that abſolute monarchy is preferable to ſuch a republic. Would twelve millions of inhabitants, under an Engliſh conſtitution, or under the conſtitution of any one of the United States, have been partitioned and diſmembered? No; not by a league of all the abſolute ſovereigns of Europe againſt them at once.—Such are the effects of collecting all authority into one center, of neglecting an equilibrium of powers, and of not having three branches in the legiſlature.

The practice of cantoning a body of ſoldiers near the plain where the kings are elected, has been adopted by ſeveral foreign powers for near a century; and, although it may be galling to the nobility, prevents the effuſion of blood that formerly deluged the aſſembly. This was done, at the election of Staniſlaus Auguſtus, by the empreſs of Ruſſia and the king of Pruſſia; five thouſand Ruſſian troops were ſtationed at a ſmall diſtance from the plain of Vola.

Staniſlaus was in the thirty-ſecond year of his age when he aſcended the throne, in 1764. From his virtues and abilities, the faireſt hopes were conceived of his raiſing Poland from its deplorable ſituation; but his exertions for the public good were fettered by the conſtitution, by the factions of a turbulent people, and the intrigues of neighbouring powers. His endeavours to introduce order at home, and independence abroad, which would have increaſed the power of his country, and her conſideration with foreign nations, alarmed the neighbouring powers. The ſpirit of religious intolerance produced a civil war,

war, and the ſenate petitioned the ambaſſador from Peterſburgh, not to withdraw the Ruſſian troops. The royal troops, aided by the Ruſſians, whoſe diſcipline was ſuperior, were in favour of religious liberty. The confederates, ſecretly encouraged by Auſtria, aſſiſted by the Turks, and ſupplied with money and officers by the French, were able to protract hoſtilities from 1768 to 1772: during this period the attempt was made to aſſaſſinate the king.

Count Pulaſki, who was killed in the ſervice of the United States, is ſaid to have planned an enterprize ſo much to his diſhonour. No good cauſe ever was, or ever will be, ſerved by aſſaſſination; and this is happily, in the preſent age, the univerſal ſenſe of mankind. If a papal nuncio was found in Poland, capable of bleſſing the weapons of conſpirators againſt this tolerant king, he was a monſter, whoſe bloody bigotry the liberal ſpirit of the Pope himſelf muſt, at this enlightened period, abominate. The king did himſelf immortal honour by his interceſſion with the diet to remit the tortures and horrid cruelties decreed by the laws of moſt kingdoms in Europe againſt treaſon, and by his moderation towards all the conſpirators.

We are now arrived at the conſummation of all panegyrics upon a ſovereignty in a ſingle aſſembly—the partition.

Pruſſia was formerly in a ſtate of vaſſalage to this republic; Ruſſia once ſaw its capital and throne poſſeſſed by the Poles; and Auſtria was indebted to John Sobieſki, a ſovereign of this country, for compelling the Turks to raiſe the ſiege of Vienna, but a century ago. A republic ſo lately the protectors of its neighbours, would not, without the moſt palpable imperfections in

the orders and balances of its government, have declined in an age of general improvement, and become a prey to any invader—much leſs would it have forced the world to acknowledge, that the tranſlation of near five millions of people, from a republican government to that of abſolute empires and monarchies, whether it were done by right or by wrong, is a bleſſing to them. The partition was projected by the king of Pruſſia, who communicated it to the emperor and empreſs. The plague was one circumſtance, and the Ruſſian war againſt the Turks another, that favoured the deſign; and the partition-treaty was ſigned at Peterſburg, in February 1772, by the Ruſſian, Auſtrian, and Pruſſian plenipotentiaries. The troops of the three courts were already in poſſeſſion of the greateſt part of Poland, and the confederates were ſoon diſperſed. The partitioning powers proceeded with ſuch ſecrecy, that only vague conjectures were made at Warſaw, and that lord Cathcart, the Engliſh miniſter at Peterſburg, obtained no authentic information of the treaty until two months after its ſignature. The formal notification, to the king and ſenate at Warſaw, was made by the Imperial and Pruſſian ambaſſadors, in September 1772, of the pretenſions of their courts to the Poliſh territory. The remonſtrances of the king and ſenate, as well as thoſe of the courts of London, Paris, Stockholm, and Copenhagen, had no effect; and the moſt humiliating record that ever appeared in the annals of a republic is ſeen in the king's ſummons—"Since there are no hopes from any "quarter, and any further delays will only tend "to draw down the moſt dreadful calamities "upon the remainder of the dominions which "are left to the republic, the diet is convened "for

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Wherever we have ſeen a territory ſomewhat larger, arts and ſciences more cultivated, commerce flouriſhing, or even agriculture improved to any great degree, an ariſtocracy has riſen up in a courſe of time, conſiſting of a few rich and honourable families, who have united with each other againſt both the people and the firſt magiſtrate; wreſted from the former, by art and by force, all their participation in the government, and even inſpired them with ſo mean an eſteem of themſelves, and ſo deep a veneration and ſtrong attachment to their rulers, as to believe and confeſs them a ſuperior order of beings.

We have ſeen theſe noble families, although neceſſitated to have a head, extremely jealous of his influence, anxious to reduce his power, and conſtrain him to as near a level with themſelves as poſſible; always endeavouring to eſtabliſh a rotation by which they may all equally in turn be entitled to the pre-eminence, and equally anxious to preſerve to themſelves as large a ſhare of power as poſſible in the executive and judicial, as well as the legiſlative departments of the ſtate.

Theſe patrician families have alſo appeared in every inſtance to be equally jealous of each other, and to have contrived, by blending lot and choice, by mixing various bodies in the elections to the ſame offices, and even by the horrors of an inquiſition, to guard againſt the ſin that ſo eaſily beſets them, of being wholly influenced and governed by a junto or oligarchy of a few among themſelves.

We have ſeen no one government, in which is a diſtinct ſeparation of the legiſlative from the executive power, and of the judicial from both,

or

" treat with ſo much rigour? Their pains,
" their ſweat, their labours, do not they merit
" any better return than our ſcorn and diſdain?
" We ſcarcely diſtinguiſh them from the brutes,
" which *they* maintain for the cultivation of *our*
" lands! we frequently have leſs conſideration
" for their ſtrength, than we have for that of
" thoſe animals! and too frequently we ſell them
" to maſters as cruel as ourſelves, who imme-
" diately force them, by an exceſs of hard la-
" bour, to repay the price of their new ſlavery!
" I cannot recollect without horror that law which
" impoſes only a fine of fifteen livres upon a
" gentleman who ſhall have killed a peaſant.—
" Poland is the only country where the populace
" are fallen from all the rights of humanity; we
" alone regard theſe men as creatures of another
" ſpecies, and we would almoſt refuſe them the
" ſame air which they breathe with us. God, in
" the creation of man, gave him liberty—what
" right have we to deprive him of it? As it is
" natural to ſhake off a yoke that is rough, hard,
" and heavy, may it not happen that this people
" may make an effort to wreſt themſelves from
" our tyranny? Their murmurs and complaints
" muſt, ſooner or later, lead to this. Hitherto,
" accuſtomed to their fetters, they think not of
" breaking them; but let one ſingle man ariſe,
" among theſe unfortunate wretches, with a maſ-
" culine and daring ſpirit, to concert and foment
" a revolt, what barrier ſhall we oppoſe to the
" torrent? We have a recent inſtance, in the
" inſurrection in the Ukraine, which was only
" occaſioned by the vexations of thoſe among us
" who had there purchaſed lands. We deſpiſed
" the courage of the poor inhabitants of that

" country

make our compariſon with England and the Engliſh conſtitution. Our people are undoubtedly ſovereign—all the landed and other property is in the hands of the citizens—not only their repreſentatives, but their ſenators and governors, are annually choſen—there are no hereditary titles, honours, offices, or diſtinctions—the legiſlative, executive, and judicial powers are carefully ſeparated from each other—the powers of the one, the few, and the many, are nicely balanced in their legiſlatures—trials by jury are preſerved in all their glory, and there is no ſtanding army—the *habeas corpus* is in full force—the preſs is the moſt free in the world—and where all theſe circumſtances take place, it is unneceſſary to add, that the laws alone can govern.

LETTER

LETTER XXIV.

ANCIENT REPUBLICS, AND OPINIONS OF PHILOSOPHERS.

DR. SWIFT.

MY DEAR SIR,

THE authority of legiſlators and philoſophers, in ſupport of the ſyſtem we contend for, is not difficult to find. The greateſt lights of humanity, ancient and modern, have approved it, which renders it difficult to explain how it comes, in this enlightened age, to be called in queſtion, as it certainly has been, by others as well as M. Turgot. I ſhall begin with one, who, though ſeldom quoted as a legiſlator, appears to have conſidered this ſubject, and furniſhed arguments enough for ever to determine the queſtion. Dr. Swift, in his Conteſts and Diſſenſions between the Nobles and Commons of Athens and Rome, obſerves, that the beſt legiſlators of all ages agree in this, that the abſolute power, which originally is in the whole body, is a truſt too great to be committed to any one man or aſſembly: and therefore, in their ſeveral inſtitutions of government, power in the laſt reſort was always placed by them in balance, among the one, the few, and the many; and it will be an eternal rule in politics, among every free people, that there is a balance of power to be held by every ſtate within itſelf. A mixed government, partaking of the known forms received in the

In every form of government, we have ſeen a *ſenate*, or *little council*, a compoſition, generally, of thoſe officers of ſtate who have the moſt experience and power, and a few other members ſelected from the higheſt ranks, and moſt illuſtrious reputations. On theſe leſſer councils, with the firſt magiſtrate at their head, generally reſts the principal burden of adminiſtration, a ſhare in the legiſlative, as well as executive and judicial authority of government. The admiſſion of ſuch ſenates to a participiation of theſe three kinds of power has been generally obſerved to produce in the minds of their members an ardent ariſtocratical ambition, graſping equally at the prerogatives of the firſt magiſtrate, and the privileges of the people, and ending in the nobility of a few families, and a tyrannical oligarchy: but in thoſe ſtates, where the ſenates have been debarred from all executive power, and confined to the legiſlative, they have been obſerved to be firm barriers againſt the encroachments of the crown, and often great ſupporters of the liberties of the people. The Americans, then, who have carefully confined their ſenates to the legiſlative power, have done wiſely in adopting them.

We have ſeen, in every inſtance, another and a larger aſſembly, compoſed of the body of the people, in ſome little ſtates; of repreſentatives choſen by the people in others; of members appointed by the ſenates, and ſuppoſed to repreſent the people, in a third ſort; and of perſons appointed by themſelves or the ſenate, in certain ariſtocracies; to prevent them from becoming oligarchies. The Americans, then, whoſe aſſemblies are the moſt adequate, proportional, and equitable repreſentations of the people, that are

known

known in the world, will not be thought erroneous in appointing houſes of repreſentatives.

In every republic, in the ſmalleſt and moſt popular, in the larger and more ariſtocratical, as well as in the largeſt and moſt monarchical, we have obſerved a multitude of curious and ingenious inventions to balance, in their turn, all thoſe powers, to check the paſſions peculiar to them, and to controul them from ruſhing into thoſe exorbitancies to which they are moſt addicted—the Americans will then be no longer cenſured for endeavouring to introduce an equilibrium, which is much more profoundly meditated, and much more effectual for the protection of the laws, than any we have ſeen, except in England:—we may even queſtion whether that is an exception.

In every country we have found a variety of *orders*, with very great diſtinctions. In America, there are different orders of *offices*, but none of *men*; out of office all men are of the ſame ſpecies, and of one blood; there is neither a greater nor a leſſer nobility—Why then are they accuſed of eſtabliſhing different orders of men? To our inexpreſſible mortification we muſt have remarked, that the people have preſerved a ſhare of power, or an exiſtence in the government, in no country out of England, except upon the tops of a few inacceſſible mountains, among rocks and precipices, in territories ſo narrow that you may ſpan them with an hand's breadth; where, living unenvied, in extreme poverty, chiefly upon paſturage, deſtitute of manufactures and commerce, they ſtill exhibit the moſt charming picture of life, and the moſt dignified character of human nature.

Wherever

on the people; to grow their leader in warlike expeditions; and to preſide, after a ſort, in their civil aſſemblies. The ſecond is, of ſuch men as have acquired large poſſeſſions, and conſequently dependencies, or deſcend from anceſtors who have left them great inheritances, together with an hereditary authority; theſe, eaſily uniting in opinions, and acting in concert, begin to enter upon meaſures for ſecuring their properties, which are beſt upheld by preparing againſt invaſions from abroad, and maintaining peace at home: this commences a great council, or ſenate, for the weighty affairs of the nation. The laſt diviſion is of the maſs of the people, whoſe part of power is great and indiſputable, whenever they can unite, either collectively or by deputation, to exert it.

The true meaning of a balance of power is beſt conceived by conſidering what the nature of a balance is. It ſuppoſes three things: firſt, the part which is held, together with the hand that holds it; and then the two ſcales, with whatever is weighed therein. In a ſtate within itſelf, the balance muſt be held by a third hand, who is to deal the remaining power with the utmoſt exactneſs into the ſeveral ſcales. The balance may be held by the weakeſt, who by his addreſs, removing from either ſcale, and adding his own, may keep the ſcales duly poiſed: when the balance is broken by mighty weights falling into either ſcale, the power will never continue long in equal diviſion between the two remaining parties, but, till the balance is fixed anew, will run entirely into one. This is made to appear by the examples of the Decemviri in Rome, the Ephori in Sparta, the four hundred in Athens, the thirty in Athens, and the Dominatio Plebis in Carthage and Argos.

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or in which any attempt has been made to balance theſe powers with one another, or to form an equilibrium between the one, the few, and the many, for the purpoſe of enacting and executing equal laws, by common conſent, for the general intereſt, excepting in England.

Shall we conclude, from theſe melancholy obſervations, that human nature is incapable of liberty, that no honeſt equality can be preſerved in ſociety, and that ſuch forcible cauſes are always at work as muſt reduce all men to a ſubmiſſion to deſpotiſm, monarchy, oligarchy, or ariſtocracy?

By no means.—We have ſeen one of the firſt nations in Europe, poſſeſſed of ample and fertile territories at home, and extenſive dominions abroad, of a commerce with the whole world, immenſe wealth, and the greateſt naval power which ever belonged to any nation, who have ſtill preſerved the power of the people, by the equilibrium we are contending for, by the trial by jury, and by conſtantly refuſing a ſtanding army. The people of England alone, by preſerving their ſhare of the legiſlature, at the expence of the blood of heroes and patriots, have enabled their kings to curb the nobility without giving him a ſtanding army.

After, all let us compare every conſtitution we have ſeen with thoſe of the United States of America, and we ſhall have no reaſon to bluſh for our country; on the contrary, we ſhall feel the ſtrongeſt motives to fall upon our knees, in gratitude to heaven for having been graciouſly pleaſed to give us birth and education in that country, and for having deſtined us to live under her laws! We ſhall have reaſon to exult, if we make

make our comparison with England and the Engliſh conſtitution. Our people are undoubtedly ſovereign—all the landed and other property is in the hands of the citizens—not only their repreſentatives, but their ſenators and governors, are annually choſen—there are no hereditary titles, honours, offices, or diſtinctions—the legiſlative, executive, and judicial powers are carefully ſeparated from each other—the powers of the one, the few, and the many, are nicely balanced in their legiſlatures—trials by jury are preſerved in all their glory, and there is no ſtanding army—the *habeas corpus* is in full force—the preſs is the moſt free in the world—and where all theſe circumſtances take place, it is unneceſſary to add, that the laws alone can govern.

LETTER

LETTER XXIV.

ANCIENT REPUBLICS, AND OPINIONS OF PHILOSOPHERS.

DR. SWIFT.

MY DEAR SIR,

THE authority of legiſlators and philoſophers, in ſupport of the ſyſtem we contend for, is not difficult to find. The greateſt lights of humanity, ancient and modern, have approved it, which renders it difficult to explain how it comes, in this enlightened age, to be called in queſtion, as it certainly has been, by others as well as M. Turgot. I ſhall begin with one, who, though ſeldom quoted as a legiſlator, appears to have conſidered this ſubject, and furniſhed arguments enough for ever to determine the queſtion. Dr. Swift, in his Conteſts and Diſſenſions between the Nobles and Commons of Athens and Rome, obſerves, that the beſt legiſlators of all ages agree in this, that the abſolute power, which originally is in the whole body, is a truſt too great to be committed to any one man or aſſembly: and therefore, in their ſeveral inſtitutions of government, power in the laſt reſort was always placed by them in balance, among the one, the few, and the many; and it will be an eternal rule in politics, among every free people, that there is a balance of power to be held by every ſtate within itſelf. A mixed government, partaking of the known forms received in the

ſchools, is by no means of Gothic invention, but hath place in nature and reaſon, and ſeems very well to agree with the ſentiments of moſt legiſlators; for, not to mention the ſeveral republics of this compoſition in Gaul and Germany, deſcribed by Cæſar and Tacitus, Polybius tells us, the beſt government is that which conſiſts of three forms, *regno, optimatium, et populi imperio.* Such was that of Sparta in its primitive inſtitution by Lycurgus, who, obſerving the depravations to which every one of theſe was ſubject, compounded his ſcheme out of all; ſo that it was made up of *reges, ſeniores, et populus.* Such alſo was the ſtate of Rome under its conſuls; and ſuch, at Carthage, was the power in the laſt reſort: they had their kings, ſenate, and people. A limited and divided power ſeems to have been the moſt ancient and inherent principle, both of the Greeks and Italians, in matters of government. The difference between the Grecian monarchies and Italian republics was not very great. The power of thoſe Grecian princes who came to the ſiege of Troy, was much of a ſize with that of the kings of Sparta, the archon of Athens, the ſufetes at Carthage, and the conſuls at Rome. Theſeus eſtabliſhed at Athens rather a mixed monarchy than a popular ſtate, aſſigning to himſelf the guardianſhip of the laws, and the chief command in war. This inſtitution continued during the ſeries of kings to the death of Codrus, from whom Solon was deſcended, who, finding the people engaged in two violent factions, of the poor and the rich, and in great confuſion, refuſing the monarchy which was offered him, choſe rather to caſt the government after another model, wherein he made due proviſion for *ſettling the balance of power*, chooſing a ſenate of four hundred,

hundred, and diſpoſing the magiſtracies and offices according to men's eſtates, leaving to the multitude their votes in electing, and the power of judging certain proceſſes by appeal. This council of four hundred was choſen, one hundred out of each tribe, and ſeems to have been a body repreſentative of the people, though the people collective reſerved a ſhare of power to themſelves.

In all free ſtates, the evil to be avoided is tyranny; that is to ſay, the *ſumma imperii*, or unlimited power, ſolely in the hands of the one, the few, or the many. Though we cannot prolong the period of a commonwealth beyond the decree of heaven, or the date of its nature, any more than human life beyond the ſtrength of the ſeminal virtue; yet we may manage a ſickly conſtitution, and preſerve a ſtrong one; we may watch, and prevent accidents; we may turn off a great blow from without, and purge away an ill humour that is lurking within; and render a ſtate long-lived, though not immortal. Some phyſicians have thought, that if it were practicable to keep the ſeveral humours of the body in an exact *balance* of each with its oppoſite, it might be immortal; and ſo perhaps would a political body, if the *balance of power* could be always held exactly even.

All independent companies of men ſeem naturally to divide into the three powers, of the one, the few, and the many. A free people met together, as ſoon as they fall into any acts of civil ſociety, do of themſelves divide into three ranks. The firſt is, that of ſome one eminent ſpirit, who having ſignalized his valour and fortune in defence of his country, or by the practice of popular arts at home, comes to have great influence

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on the people; to grow their leader in warlike expeditions; and to preſide, after a ſort, in their civil aſſemblies. The ſecond is, of ſuch men as have acquired large poſſeſſions, and conſequently dependencies, or deſcend from anceſtors who have left them great inheritances, together with an hereditary authority; theſe, eaſily uniting in opinions, and acting in concert, begin to enter upon meaſures for ſecuring their properties, which are beſt upheld by preparing againſt invaſions from abroad, and maintaining peace at home: this commences a great council, or ſenate, for the weighty affairs of the nation. The laſt diviſion is of the maſs of the people, whoſe part of power is great and indiſputable, whenever they can unite, either collectively or by deputation, to exert it.

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In Rome, from the time of Romulus to Julius Cæſar, the commons were growing by degrees into power, gaining ground upon the patricians, inch by inch, until at laſt they quite overturned the balance, leaving all doors open to popular and ambitious men, who deſtroyed the wiſeſt republic, and enſlaved the nobleſt people, that ever entered on the ſtage of the world. Polybius tells us, that in the ſecond Punic war, the Carthaginians were declining, becauſe the balance was got too much on the ſide of the people; whereas the Romans were in their greateſt vigour by the power remaining in the ſenate. The ambition of private men did by no means begin, or occaſion, the war between Pompey and Cæſar, though civil diſſenſions never fail to introduce and ſpirit the ambition of private men; for while the balance of power is equally held, the ambition of private men, whether orators or commanders, gives neither danger nor fear, nor can poſſibly enſlave their country; but that once broken, the divided parties are forced to unite each to its head, under whoſe conduct or fortune one ſide is at firſt victorious, and at laſt both are ſlaves. And to put it paſt diſpute, that the entire ſubverſion of Roman liberty was altogether owing to thoſe meaſures which had broke the balance between the patricians and plebeians, whereof the ambition of private men was but the effect and conſequence, we need only conſider, that when the uncorrupted part of the ſenate, by the death of Cæſar, had made one great effort to reſtore their liberty, the ſucceſs did not anſwer their hopes; but that whole aſſembly was ſo ſunk in its authority, that theſe patriots were obliged to fly, and give way to the madneſs of the people, who, by their own diſpoſi-

tions, ſtirred up by the harangues of their orators, were now wholly bent upon ſingle and deſpotic ſlavery; elſe how could ſuch a profligate as Anthony, or a boy of eighteen like Octavius, ever dare to dream of giving law to ſuch an empire and ſuch a people? Wherein the latter ſucceeded, and entailed the vileſt tyranny that Heaven in its anger ever inflicted on a corrupt and poiſoned people.

It is an error to think it an uncontroulable maxim, that power is always ſafer lodged in many hands than in one: for if theſe many hands be made up from one of thoſe three diviſions, it is plain, from the examples produced, and eaſy to be paralleled in other ages and countries, that they are as capable of enſlaving the nation, and of acting all manner of tyranny and oppreſſion, as it is poſſible for a ſingle perſon to be, though we ſhould ſuppoſe their number not only to be four or five hundred, but three thouſand. In order to preſerve a balance in a mixed ſtate, the limits of power depoſited with each party ought to be aſcertained and generally known: the defect of this is the cauſe of thoſe ſtruggles in a ſtate about prerogative and liberty; about encroachments of the few upon the rights of the many, and of the many upon the privileges of the few; which ever did, and ever will, conclude in a tyranny; firſt either of the few or the many, but at laſt, infallibly of a *ſingle perſon*: for whichever of the three diviſions in a ſtate is upon the ſcramble for more power than its own, as one of the three generally is (unleſs due care be taken by the other two); upon every new queſtion that ariſes, they will be ſure to decide in favour of themſelves; they will make large demands, and ſcanty conceſſions, ever coming

ing off conſiderable gainers;—thus at length the balance is broke, and tyranny let in, from which door of the three it matters not.

The deſires of men are not only exorbitant, but endleſs: they graſp at all, and can form no ſcheme of perfect happineſs with leſs. Ever ſince men have been formed into governments, the endeavours after univerſal monarchy have been bandied among them: the Athenians, the Spartans, the Thebans, and the Achaians, ſeveral times aimed at the univerſal dominion of Greece: the commonwealths of Carthage and Rome affected the univerſal empire of the world: in like manner has abſolute power been purſued by the ſeveral powers in each particular ſtate, wherein ſingle perſons have met with moſt ſucceſs, though the endeavours of the few and the many have been frequent enough; yet, being neither ſo uniform in their deſigns, nor ſo direct in their views, they neither could manage nor maintain the power they had got, but were deceived by the popular ambition of ſome ſingle perſon: ſo that it will be always a wrong ſtep in policy, for the nobles or commons to carry their endeavours after power ſo far as to overthrow the balance. With all reſpect for popular aſſemblies be it ſpoken, it is hard to recollect one folly, infirmity, or vice, to which a ſingle man is ſubject, and from which a body of commons, either collective or repreſented, can be wholly exempt; from whence it comes to paſs, that in their reſults have ſometimes been found the ſame ſpirit of cruelty and revenge, of malice and pride; the ſame blindneſs, and obſtinacy, and unſteadineſs; the ſame ungovernable rage and anger; the ſame injuſtice, ſophiſtry, and fraud, that ever lodged in the breaſt of any individual. When a child grows eaſy by

being humoured, and a lover ſatisfied by ſmall compliances without further purſuits, then expect popular aſſemblies to be content with ſmall conceſſions. If there could one ſingle example be brought from the whole compaſs of hiſtory, of any one popular aſſembly who, after beginning to contend for power, ever ſat down quietly with a certain ſhare; or of one that ever knew, or propoſed, or declared, what ſhare of power was their due, then might there be ſome hopes, that it was a matter to be adjuſted by reaſonings, conferences, or debates. An uſurping populace is its own dupe, a mere under worker, and a purchaſer in truſt for ſome ſingle tyrant, whoſe ſtate and power they advance to their own ruin, with as blind an inſtinct, as thoſe worms that die with weaving magnificent habits for beings of a ſuperior order. The people are more dexterous at pulling down and ſetting up, than at preſerving what is fixed; and they are not fonder of ſeizing more than their own, than they are of delivering it up again to the worſt bidder, with their own into the bargain. Their earthly devotion is ſeldom paid to above one at a time, of their own creation, whoſe oar they pull with leſs murmuring and more ſkill, than when they ſhare the leading, or even hold the helm.

You will perceive by the ſtyle, that it is Dr. Swift that has been ſpeaking; otherwiſe you might have been deceived, and imagined that I was entertaining you with further reflections upon the ſhort account previouſly given you in theſe letters, of the modern republics. There is not an obſervation here that is not juſtified by the hiſtory of every government we have conſidered. How much more maturely had this writer weighed the ſubject than M. Turgot—Perhaps there

there is not to be found, in any library, ſo many accurate ideas of government expreſſed with ſo much perſpicuity, brevity, and preciſion.

LETTER XXV.

DR. FRANKLIN.

MY DEAR SIR,

AS it is impoſſible to ſuppoſe that M. Turgot intended to recommend to the Americans a ſimple monarchy or ariſtocracy, we have admitted, as a ſuppoſition the moſt favourable to him, that, by collecting all authority into one center, he meant a ſingle aſſembly of repreſentatives of the people, without a governor, and without a ſenate; and although he has not explained, whether he would have the aſſembly choſen for life, or years, we will again admit, as the moſt benign conſtruction, that he meant the repreſentatives ſhould be annually choſen.

Here we ſhall be obliged to conſider the reputed opinion of another philoſopher, I mean Dr. Franklin: I ſay reputed, becauſe I am not able to affirm that it is really his: it is, however, ſo generally underſtood and reported, both in Europe and America, that his judgement was in oppoſition to two aſſemblies, and in favour of a ſingle one, that in a diſquiſition like this it ought not to be omitted. To be candid with you, a little before the date of M. Turgot's letter, Dr. Franklin had arrived in Paris with the American conſtitutions, and among the reſt that of Pennſylvania, in which

which there was but one aſſembly: it was reported too, that the doctor had preſided in the convention when it was made, and there approved it. M. Turgot, reading over the conſtitutions, and admiring that of Pennſylvania, was led to cenſure the reſt, which were ſo different from it.—I know of no other evidence, that the doctor ever gave his voice for a ſingle aſſembly, but the common anecdote which is known to every body. It is ſaid, that in 1776, in the convention of Pennſylvania, of which the doctor was preſident, a project of a form of government by one aſſembly was before them in debate: a motion was made to add another aſſembly under the name of a ſenate or council; this motion was argued by ſeveral members, ſome for the affirmative, and ſome for the negative; and before the queſtion was put the opinion of the preſident was requeſted: the preſident roſe, and ſaid, that "Two aſſemblies "appeared to him, like a practice he had ſome-"where ſeen, of certain waggoners who, when "about to deſcend a ſteep hill with a heavy load, "if they had four cattle, took off one pair from "before, and chaining them to the hinder part "of the waggon, drove them up hill; while the "pair before, and the weight of the load, over-"balancing the ſtrength of thoſe behind, drew "them ſlowly and moderately down the hill."

The preſident of Pennſylvania might, upon ſuch an occaſion, have recollected one of Sir Iſaac Newton's laws of motion, viz. "that re-action "muſt always be equal and contrary to action," or there can never be any *reſt*.—He might have alluded to thoſe angry aſſemblies in the heavens, which ſo often overſpread the city of Philadelphia, fill the citizens with apprehenſion and terror, threatening to ſet the world on fire, merely be-

cauſe

cauſe the powers within them are not ſufficiently balanced. He might have recollected, that a pointed rod, a machine as ſimple as a waggoner, or a monarch, or a governor, would be ſufficient at any time, ſilently and innocently, to diſarm thoſe aſſemblies of all their terrors, by reſtoring between them the balance of the powerful fluid, and thus prevent the danger and deſtruction to the properties and lives of men, which often happen for the want of it.

However, alluſions and illuſtrations drawn from paſtoral and rural life are never diſagreeable, and in this caſe might be as appoſite as if they had been taken from the ſciences and the ſkies.—Harrington, if he had been preſent in convention, would have exclaimed, as he did when he mentioned his two girls dividing and chooſing a cake; "Oh! the depth of the wiſdom of God, which in the ſimple invention of a carter, has revealed to mankind the whole myſtery of a commonwealth; which conſiſts as much in dividing and equalizing forces; in controuling the weight of the load and the activity of one part, by the ſtrength of another, as it does in dividing and chooſing." Harrington too, inſtead of his children dividing and chooſing their cake, might have alluded to thoſe attractions and repulſions by which the balance of nature is preſerved: or to thoſe centripetal and centrifugal forces by which the heavenly bodies are continued in their orbits, inſtead of ruſhing to the ſun, or flying off in tangents among comets and fixed ſtars: impelled, or drawn by different forces in different directions, they are bleſſings to their own inhabitants and the neighbouring ſyſtems; but if they were drawn only by one, they would introduce anarchy wherever they ſhould go. There is no objection to ſuch alluſions,

ſions, whether ſimple or ſublime, as they may amuſe the fancy and illuſtrate an argument: all that is inſiſted on is, that whatever there is in them of wit or argument, is all in favour of a complication of forces, of more powers than one; of three powers indeed, becauſe a balance can never be eſtabliſhed between two orders in ſociety, without a third to aid the weakeſt.

All that is ſurpriſing here is, that the real force of the ſimile ſhould have been miſunderſtood: if there is any ſimilitude, or any argument in it, it is clearly in favour of two aſſemblies. The weight of the load itſelf would roll the waggon on the oxen, and the cattle on one another, in one ſcene of deſtruction, if the forces were not divided and the balance formed, whereas by checking one power by another, all deſcend the hill in ſafety, and avoid the danger. It ſhould be remembered too, that it is only in deſcending uncommon declivities that this diviſion of ſtrength becomes neceſſary. In travelling in ordinary plains, and always in aſcending mountains, the whole team draws together, and advances faſter as well as eaſier on its journey: it is alſo certain, there are oftener arduous ſteeps to mount, which require the united ſtrength of all, with all the ſkill of the director, than there are precipices to deſcend, which demand a diviſion of it.

Let us now return to M. Turgot's idea of a government conſiſting in a ſingle aſſembly.—He tells us, our republics are "founded on the equa- "lity of all the citizens, and therefore "orders" "and "equilibriums" are unneceſſary, and occa- "ſion diſputes."—But what are we to underſtand here by equality? Are the citizens to be all of the ſame age, ſex, ſize, ſtrength, ſtature, activity, courage, hardineſs, induſtry, patience, ingenu-

ity,

ity, wealth, knowledge, fame, wit, temperance, conſtancy, and wiſdom? Was there, or will there ever be, a nation, whoſe individuals were all equal in natural and acquired qualities, in virtues, talents, and riches? The anſwer of all mankind muſt be in the negative.—It muſt then be acknowledged, that in every ſtate, in the Maſſachuſetts for example, there are inequalities which God and nature have planted there, and which no human legiſlator ever can eradicate. I ſhould have choſen to have mentioned Virginia, as the moſt ancient ſtate, or indeed any other in the union, rather than the one that gave me birth, if I were not afraid of putting ſuppoſitions which may give offence, a liberty which my neighbours will pardon: yet I ſhall ſay nothing that is not applicable to all the other twelve.

In this ſociety of Maſſachuſettenſions, then, there is, it is true, a moral and political equality of rights and duties among all the individuals, and as yet no appearance of artificial inequalities of condition, ſuch as hereditary dignities, titles, magiſtracies, or legal diſtinctions; and no eſtabliſhed marks, as ſtars, garters, croſſes, or ribbons: there are, nevertheleſs, inequalities of great moment in the conſideration of a legiſlator, becauſe they have a natural and inevitable influence in ſociety. Let us enumerate ſome of them: 1. There is an inequality of wealth: ſome individuals, whether by deſcent from their anceſtors, or from greater ſkill, induſtry, and ſucceſs in buſineſs, have eſtates both in lands and goods of great value; others have no property at all; and all the reſt of the ſociety, much the greater number, are poſſeſſed of wealth, in all the variety of degrees, between theſe extremes: it will eaſily be conceived, that all the rich men will have many

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of the poor, in the various trades, manufactures, and other occupations in life, dependent upon them for their daily bread: many of ſmaller fortunes will be in their debt, and in many ways under obligations to them: others, in better circumſtances, neither dependent nor in debt, men of letters, men of the learned profeſſions, and others, from acquaintance, converſation, and civilities, will be connected with them, and attached to them. Nay farther, it will not be denied, that among the wiſeſt people that lives, there is a degree of admiration, abſtracted from all dependence, obligation, expectation, or even acquaintance, which accompanies ſplendid wealth, enſures ſome reſpect, and beſtows ſome influence. 2. Birth. Let no man be ſurpriſed, that this ſpecies of inequality is introduced here. Let the page in hiſtory be quoted, where any nation, ancient or modern, civilized or ſavage, is mentioned, among whom no difference was made between the citizens on account of their extraction. The truth is, that more influence is allowed to this advantage in free republics, than in deſpotic governments, or than would be allowed to it in ſimple monarchies, if ſevere laws had not been made from age to age to ſecure it. The children of illuſtrious families have generally greater advantages of education, and earlier opportunities to be acquainted with public characters, and informed of public affairs, than thoſe of meaner ones, or even than thoſe in middle life; and what is more than all, an habitual national veneration for their names, and the characters of their anceſtors deſcribed in hiſtory, or coming down by tradition, removes them farther from vulgar jealouſy and popular envy, and ſecures them in ſome degree the favour, the affection, and reſpect of the public.

public. Will any man pretend that the name of Andros, and that of Winthrop, are heard with the ſame ſenſations in any village of New England? Is not gratitude the ſentiment that attends the latter, and diſguſt the feeling excited by the former? In the Maſſachuſetts, then, there are perſons deſcended from ſome of their ancient governors, counſellors, judges, whoſe fathers, grandfathers and great grandfathers, are remembered with eſteem by many living, and who are mentioned in hiſtory with applauſe, as benefactors to the country, while there are others who have no ſuch advantage. May we go a ſtep farther—Know thyſelf is as uſeful a precept to nations as to men. Go into every village in New England, and you will find that the office of juſtice of the peace, and even the place of repreſentative, which has ever depended only on the freeſt election of the people, have generally deſcended from generation to generation, in three or four families at moſt. The preſent ſubject is one of thoſe which all men reſpect, and all men deride. It may be ſaid of this part of our nature, as Pope ſaid of the whole:

Of human nature, wit her worſt may write,
We all revere it in our own deſpight.

If, as Harrington ſays, the ten commandments were voted by the people of Iſrael, and have been enacted as laws by all other nations; and if we ſhould preſume to ſay, that nations had a civil right to repeal them, no nation would think proper to repeal the fifth, which enjoins honour to parents: if there is a difference between right and wrong; if any thing can be ſacred; if there

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is one idea of moral obligation; the decree of nature muſt force upon every thinking being, and upon every feeling heart, the conviction that honour, affection, and gratitude are due from children, to thoſe who gave them birth, nurture, and education. The ſentiments and affections which naturally ariſe, from reflecting on the love, the cares, and the bleſſings of parents, abſtracted from the conſideration of duty, are ſome of the moſt forcible and moſt univerſal. When religion, law, morals, affection, and even faſhion, thus conſpire to fill every mind with attachment to parents, and to ſtamp deep upon the heart their impreſſions, is it to be expected that men ſhould reverence their parents while they live, and begin to deſpiſe or neglect their memories as ſoon as they are dead? This is in nature impoſſible; on the contrary, every little unkindneſs and ſeverity is forgotten, and nothing but endearments remembered with pleaſure.

The ſon of a wiſe and virtuous father finds the world about him ſometimes as much diſpoſed as he himſelf is, to honour the memory of his father; to congratulate him as the ſucceſſor to his eſtate; and frequently, to compliment him with elections to the offices he held. A ſenſe of duty, his paſſions and his intereſt, thus conſpiring to prevail upon him to avail himſelf of this advantage, he finds a few others in ſimilar circumſtances with himſelf; they naturally aſſociate together, and aid each other. This is a faint ſketch of the ſource and riſe of the family ſpirit: very often the diſpoſition to favour the family is as ſtrong, in the town, county, province, or kingdom, as it is in the houſe itſelf. The enthuſiaſm is indeed ſometimes wilder, and carries away, like a torrent, all before it.

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Theſe obſervations are not peculiar to any age; we have ſeen the effects of them in St. Marino, Biſcay, and the Griſons, as well as in Poland, and all other countries. Not to mention any notable examples, which have lately happened near us, it is not many months ſince I was witneſs to a converſation between ſome citizens of Maſſachuſett's: one was haranguing on the jealouſy which a free people ought to entertain of their liberties, and was heard by all the company with pleaſure; in leſs than ten minutes the converſation turned upon their governor; and the jealous republican was very angry at the oppoſition to him: "The preſent governor," ſays he, "has "done us ſuch ſervices, that he ought to rule "us, he and his poſterity after him for ever and "ever." Where is your jealouſy of liberty? demanded the other. "Upon my honour," replies the orator, "I had forgot that; you have caught "me in an inconſiſtency; for I cannot know "whether a child of five years old will be a ſon "of liberty or a tyrant." His jealouſy was the dictate of his underſtanding; his confidence and enthuſiaſm the impulſe of his heart.

The pompous trumpery of enſigns, armorials, and eſcutcheons, are nor indeed far advanced in America. Yet there is a more general anxiety to know their originals, in proportion to their numbers, than in any nation of Europe; ariſing from the eaſier circumſtances and higher ſpirits of the common people: and there are certain families in every ſtate, as attentive to all the proud frivolities of heraldry. That kind of pride which looks down on commerce and manufactures as degrading, may, indeed, in many countries of Europe, be a uſeful and neceſſary quality in the nobility: it may prevent, in ſome degree, the whole nation

would be envy; becauſe, there will be, among the ſecond claſs, ſeveral, whoſe fortunes, families, and merits, in the acknowledged judgement of all, approach near to the firſt; and, from the ordinary illuſions of ſelf-love and ſelf intereſt, they and their friends will be much diſpoſed to claim the firſt place as their own right. This will introduce controverſy and debate, as well as emulation; and thoſe who wiſh for the firſt place, and cannot obtain it, will of, courſe, endeavour to keep down the ſpeaker as near upon a level with themſelves as poſſible, by paring away the dignity and importance of his office, as we ſaw in Venice, Poland, and every where elſe.

A ſingle aſſembly thus conſtituted, without any counterpoiſe, balance, or equilibrium, is to have all authority, legiſlative, executive, and judicial, concentered in it. It is to make a conſtitution and laws by its own will, execute thoſe laws at its pleaſure, and adjudge all controverſies that ariſe concerning the meaning and application of them, at diſcretion. What is there to reſtrain them from making tyrannical laws, in order to execute them in a tyrannical manner?

Will it be pretended, that the jealouſy and vigilance of the people, and their power to diſcard them at the next election, will reſtrain them? Even this idea ſuppoſes a balance, an equilibrium, which M. Turgot holds in ſo much contempt; it ſuppoſes the people at large to be a check and controul to the repreſentative aſſembly. But this would be found a mere deluſion. A jealouſy between the electors and the elected neither ought to exiſt, nor is poſſible to exiſt. It is a contradiction to ſuppoſe, that a body of electors ſhould have at one moment a warm affection and entire confidence in a man, ſo as to intruſt him with

well as nature. The influence of example is very great, and almoſt univerſal, eſpecially of parents over their children. In all countries it has been obſerved, that vices, as well as virtues, run down in families, very often, from age to age. Any man may run over in his thoughts the circle of his acquaintance, and he will probably recollect inſtances of a diſpoſition to miſchief, malice, and revenge, deſcending, in certain breeds, from grandfather to father and ſon. A young woman was lately convicted at Paris of a trifling theft, barely within the law, which decreed a capital puniſhment. There were circumſtances, too, which greatly alleviated her fault; ſome things in her behaviour that ſeemed innocent and modeſt: every ſpectator, as well as the judges, was affected at the ſcene, and ſhe was adviſed to petition for a pardon, as there was no doubt it would be granted. "No," ſays ſhe, "my grandfather, father, "and brother, were all hanged for ſtealing; it "runs in the blood of our family to ſteal, and "be hanged; if I am pardoned now, I ſhall ſteal "again in a few months more inexcuſeably: and "therefore I will be hanged now."—An hereditary paſſion for the halter is a ſtrong inſtance, to be ſure, and cannot be very common: but ſomething like it too often deſcends, in certain breeds, from generation to generation.

If vice and infamy are thus rendered leſs odious, by being familiar in a family, by the example of parents, and by education, it would be as unhappy as unaccountable, if virtue and honour were not recommended and rendered more amiable to children by the ſame means.

There are, and always have been, in every ſtate, numbers poſſeſſed of ſome degree of family pride, who have been invariably encouraged, if not flat-

tered in it, by the people. Theſe have moſt acquaintance, eſteem, and friendſhip, with each other, and mutually aid each other's ſchemes of intereſt, convenience, and ambition. Fortune, it is true, has more influence than birth; a rich man of an ordinary family, and common decorum of conduct, may have greater weight than any family merit commonly confers without it. 3. It will be readily admitted, there are great inequalities of merit, or talents, virtues, ſervices, and, what is of more moment, very often of reputation. Some, in a long courſe of ſervice in an army, have devoted their time, health, and fortunes, ſignalized their courage and addreſs, expoſed themſelves to hardſhips and dangers, loſt their limbs, and ſhed their blood, for the people. Others have diſplayed their wiſdom, learning, and eloquence in council, and in various other ways acquired the confidence and affection of their fellow citizens, to ſuch a degree, that the public have ſettled into a kind of habit of following their example, and taking their advice. 4. There are a few, in whom all theſe advantages of birth, fortune, and fame are united.

Theſe ſources of inequality, which are common to every people, and can never be altered by any, becauſe they are founded in the conſtitution of nature; this natural ariſtocracy among mankind, has been dilated on, becauſe it is a fact eſſential to be conſidered in the inſtitution of a government. It is a body of men which contains the greateſt collection of virtues and abilities in a free government; it is the brighteſt ornament and glory of the nation; and may always be made the greateſt bleſſing of ſociety, if it be judiciouſly managed in the conſtitution; but if it is not, it is always the moſt dangerous; nay, it may be added,

added, it never fails to be the deſtruction of the commonwealth. What ſhall be done to guard againſt it? Shall they be all maſſacred? This experiment has been more than once attempted, and once at leaſt tried. Guy Faux attempted it in England; and a king of Denmark, aided by a popular party, effected it once in Sweden; but it anſwered no good end. The moment they were dead, another ariſtocracy inſtantly aroſe, with equal art and influence, with leſs delicacy and diſcretion, if not principle, and behaved more intolerably than the former. The country, for centuries, never recovered from the ruinous conſequences of a deed ſo horrible, that one would think it only to be met with in the hiſtory of the kingdom of darkneſs.

There is but one expedient yet diſcovered, to avail the ſociety of all the benefits from this body of men, which they are capable of affording, and at the ſame time to prevent them from undermining or invading the public liberty; and that is, to throw them all, or at leaſt the moſt remarkable of them, into one aſſembly together, in the legiſlature; to keep all the executive power entirely out of their hands as a body; to erect a firſt magiſtrate over them, inveſted with the whole executive authority; to make them dependent on that executive magiſtrate for all public executive employments; to give that firſt magiſtrate a negative on the legiſlature, by which he may defend both himſelf and the people from all their enterprizes in the legiſlature; and to erect on the other ſide of them an impregnable barrier againſt them, in a houſe of commons, fairly, fully, and adequately repreſenting the people, who ſhall have the power both of negativing all their attempts at encroachments in the legiſlature, and of withholding both from them and the crown all ſup-

moted, but by a fixed conſtitution of government, and ſtated laws, known and obeyed by all.—M. Turgot, indeed, cenſures the "falſity of the "notion, ſo frequently repeated by almoſt all "republican writers, 'that liberty conſiſts in be-"ing ſubject only to the laws;' as if a man could "be free while oppreſſed by an unjuſt law. "This would not be true, even if we could ſup-"poſe, that all laws were the work of an aſſem-"bly of the whole nation; for certainly every "individual has his rights, of which the nation "cannot deprive him, except by violence, and an "unlawful uſe of the general power."

We often hear and read of free ſtates, a free people, a free nation, a free country, a free kingdom, and even of free republics; and we underſtand, in general, what is intended, although every man may not be qualified to enter into philoſophical diſquiſitions concerning the meaning of the word liberty, or to give a logical definition of it.

Our friend Dr. Price has diſtinguiſhed very well, concerning phyſical, moral, religious, and civil liberty: and has defined the laſt to be "the power of a civil ſociety to govern itſelf, "by its own diſcretion, or by laws of its own "making, by the majority, in a collective body, "or by fair repreſentation. In every free ſtate, "every man is his own legiſlator. Legitimate "government conſiſts only in the dominion of "*equal laws*, made with *common conſent*, and "not in the dominion of any men over other "men."

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the qualities which conſtitute the natural foundations of authority; ſuch as benevolence, wiſdom, and power; and all the adventitious attractions of reſpect; ſuch as riches, anceſtry, and perſonal merit. All eyes are turned upon him for their preſident or ſpeaker.—The ſecond diviſion comprehends a third, or a quarter, or, if you will, a ſixth or an eighth of the whole; and conſiſts of thoſe who have the moſt to boaſt of reſembling their head.—In the third claſs are all the reſt, who are nearly on a level in underſtanding, and in all things. Such an aſſembly has in it, not only all the perſons of the nation who are moſt eminent for parts and virtues, but all thoſe who are moſt inflamed with ambition and avarice, and who are moſt vain of their deſcent. Theſe latter will, of courſe, conſtantly endeavour to increaſe their own influence, by exaggerating all the attributes they poſſeſs, and by augmenting them in every way they can think of; and will have friends, whoſe only chance for riſing into public view will be under their protection, who will even be more active and zealous than themſelves in their ſervice. Notwithſtanding all the equality that can ever be hoped for among men, it is eaſy to ſee that the third claſs will, in general, be but humble imitators and followers of the ſecond. Every man in the ſecond claſs will have conſtantly about him a circle of members of the third, who will be his admirers; perhaps afraid of his influence in the diſtricts they repreſent, related to him by blood, connected with him in trade, or dependent upon him for favours. There will be much envy too, among individuals of the ſecond glaſs, againſt the ſpeaker, although a ſincere veneration is ſhewn him by the majority, and great external reſpect by all. I ſaid there

would be envy; becauſe, there will be, among the ſecond claſs, ſeveral, whoſe fortunes, families, and merits, in the acknowledged judgement of all, approach near to the firſt; and, from the ordinary illuſions of ſelf-love and ſelf-intereſt, they and their friends will be much diſpoſed to claim the firſt place as their own right. This will introduce controverſy and debate, as well as emulation; and thoſe who wiſh for the firſt place, and cannot obtain it, will of, courſe, endeavour to keep down the ſpeaker as near upon a level with themſelves as poſſible, by paring away the dignity and importance of his office, as we ſaw in Venice, Poland, and every where elſe.

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tation, let me beg your patience while we look into ſome of them.

Ariſtotle ſays, that "a government where the "*laws alone* ſhould prevail, would be the king-"dom of God." This indeed ſhows that this great philoſopher had much admiration of ſuch a government: but is not the aſſertion that M. Turgot condemns, viz. that liberty conſiſts in being ſubject to the laws only.

Ariſtotle ſays too, in another place, "Order is "law, and it is more proper that law ſhould go-"vern, than any one of the citizens: upon the "ſame principle, if it is advantageous to place "the ſupreme power in ſome particular perſons, "they ſhould be appointed to be only guardians, "and the ſervants of the laws." Theſe two are very juſt ſentiments, but not a formal definition of liberty.

Livy, too, ſpeaks of happy, proſperous, and glorious times, when "*Imperia legum potentiora* "*fuerunt quam hominum.*" But he no where ſays that liberty conſiſts in being ſubject only to the *legum imperio.*

Sidney ſays, "No ſedition was hurtful to Rome, "until, through their proſperity, ſome men gain-"ed a power above the laws."

In another place he tells us too, from Livy, that ſome, whoſe ambition and avarice were impatient of reſtraint, complained that "*leges rem* "*furdam eſſe, inexorabilem, ſalubriorem inopi quam* "*potenti.*"

And in another, that "no government was "thought to be well conſtituted, unleſs the laws "prevailed againſt the commands of men." But he has no where defined liberty to be ſubjection to the laws only.

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I ſhall cheerfully agree with M. Turgot, that it is very poſſible that laws, and even equal laws made by common conſent, may deprive the minority of the citizens of their rights. A ſociety by a majority, may govern itſelf, even by equal laws, that is, by laws to which all, majority and minority, are *equally* ſubject, ſo as to oppreſs the minority. It may eſtabliſh an uniformity in religion; it may reſtrain trade; it may confine perſonal liberty of all equally, and againſt the judgement of many, even of the beſt and wiſeſt, without reaſonable motives, uſe, or benefit. We may go farther, and ſay, that a nation may be unanimous in conſenting to a law reſtraining their natural liberty, property, and commerce, and their moral and religious liberties too, to a degree that may be prejudicial to the nation and every individual in it. A nation of Catholics might unanimouſly conſent to prohibit labour upon one half the days in the year, as feaſt days, The whole American nation might unanimouſly conſent to a Sunday law, and a warden act, which ſhould deprive them of the uſe of their limbs one day in ſeven. A nation may unanimouſly agree to a navigation act, which ſhould ſhackle the commerce of all. Yet Dr. Price's definition of civil liberty is as liable to this objection as any other. Theſe would all be *equal laws*, made with *common conſent:* theſe would all be acts of legitimate government. To take in M. Turgot's idea, then, we muſt add to Dr. Price's ideas of *equal laws*, by *common conſent*, this other—for the *general intereſt*, or the *public good*. But it is generally ſuppoſed, that nations

nations underſtand their own intereſt better than another; and therefore they may be truſted to judge of the public good: and in all the caſes above ſuppoſed, they will be as free as they deſire to be; and therefore may, with great propriety, be called free nations, and their conſtitutions free republics. There can be no way of compelling nations to be more free than they chooſe to be.

But M. Turgot has miſtaken the ſenſe of republican writers, eſpecially of the Engliſh ones. What republican writers he had in view I know not. There is none that I remember, of any name, who has given ſo abſurd a definition of liberty. His countryman, Monteſquieu, who will ſcarcely be denominated a republican writer, has ſaid ſomething the moſt like it; but it is manifeſt that his meaning was confined to equal laws, made by common conſent. Although there may be unjuſt and unequal laws, obedience to which would be incompatible with liberty; yet no man will contend, that a nation can be free, that is not governed by fixed laws. All other government than that of permanent known laws, is the government of mere will and pleaſure, whether it be exerciſed by one, a few, or many. Republican writers in general, and thoſe of England in particular, have maintained the ſame principle with Dr. Price, and have ſaid, that legitimate governments, or well-ordered commonwealths, or well-conſtituted governments, were thoſe where the laws prevailed; and have always explained their meanings to be, *equal laws* made by *common conſent*, or the *general will*—that is to ſay, made by the majority, and equally binding upon majority and minority. As it is of importance to reſcue the good old republican writers from ſuch an imputation,

tation, let me beg your patience while we look into ſome of them.

Ariſtotle ſays, that " a government where the " *laws alone* ſhould prevail, would be the king- " dom of God." This indeed ſhows that this great philoſopher had much admiration of ſuch a government: but is not the aſſertion that M. Turgot condemns, viz. that liberty conſiſts in being ſubject to the laws only.

Ariſtotle ſays too, in another place, " Order is " law, and it is more proper that law ſhould go- " vern, than any one of the citizens: upon the " ſame principle, if it is advantageous to place " the ſupreme power in ſome particular perſons, " they ſhould be appointed to be only guardians, " and the ſervants of the laws." Theſe two are very juſt ſentiments, but not a formal definition of liberty.

Livy, too, ſpeaks of happy, proſperous, and glorious times, when " *Imperia legum potentiora* " *fuerunt quam hominum.*" But he no where ſays that liberty conſiſts in being ſubject only to the *legum imperio.*

Sidney ſays, " No ſedition was hurtful to Rome, " until, through their proſperity, ſome men gain- " ed a power above the laws."

In another place he tells us too, from Livy, that ſome, whoſe ambition and avarice were impa- tient of reſtraint, complained that " *leges rem* " *ſurdam eſſe, inexorabilem, ſalubriorem inopi quam* " *potenti.*"

And in another, that " no government was " thought to be well conſtituted, unleſs the laws " prevailed againſt the commands of men." But he has no where defined liberty to be ſubjection to the laws only.

Harrington

Harrington ſays, Government *de jure*, or ac- " cording to ancient prudence, is an art, where- " by a civil ſociety of men is inſtituted and pre- " ſerved upon the foundation of *common intereſt*; " or, to follow Ariſtotle and Livy, it is an em- " pire of laws and not of men. And govern- " ment, to define it according to modern pru- " dence, or *de facto*, is an art, by which ſome " man, or ſome few men, ſubject a city or a na- " tion, and rule it according to his or their pri- " vate intereſt; which, becauſe the laws in ſuch " caſes are made according to the intereſt of a " man, or a few families, may be ſaid to be the " empire of men, and not of laws."

Harrington, Politicaſter, ſcene 2. agrees, that law proceeds from the will of man, whether a monarch or people; and that this will muſt have a mover; and that this mover is intereſt: but the intereſt of the people is one thing—it is the public intereſt; and where the public intereſt governs, it is a government of laws, and not of men: the intereſt of a king, or of a party, is another thing—it is a private intereſt; and where private intereſt governs, it is a government of men, and not of laws. If, in England, there has ever been any ſuch thing as a government of laws, was it not *magna charta?* and have not our kings broken *magna charta* thirty times? Did the law govern when the law was broken? or was that a government of men? On the contrary, hath not *magna charta* been as often repaired by the people? and, the law being ſo reſtored, was it not a government of laws, and not of men? Why have our kings, in ſo many ſtatutes and oaths, engaged themſelves to govern by law, if there were not in kings a capacity of governing otherwiſe? It is true, that laws are neither made

made by angels, nor by horſes, but by men. The voice of the people is as much the voice of men, as the voice of a prince is the voice of a man; and yet the voice of the people is the voice of God, which the voice of a prince is not. The government of laws, ſaid Ariſtotle, is the government of God. In a monarchy, the laws, being made according to the intereſt of one man, or a few men, muſt needs be more private and partial than ſuits with the nature of juſtice; but in a commonwealth, the laws being made by the whole people, muſt come up to the public intereſt, which is common right and juſtice—and if a man know not what is his own intereſt, who ſhould know it? and that which is the intereſt of the moſt or greateſt number of particular men, being ſummed up in the common vote, is the public intereſt.

Sidney ſays, "Liberty conſiſts ſolely in an "independency on the will of another; and, by "a ſlave, we underſtand a man who can neither "diſpoſe of his perſon or goods, but enjoys all "at the will of his maſter." And again, "As "liberty conſiſts only in being ſubject to no "man's will, and nothing denotes a ſlave, but a "dependence upon the will of another; if there "be no other law in a kingdom but the will of a "prince, there is no ſuch thing as liberty."

Mr. Turgot might have perceived in theſe writers, that a government of laws, and not of men, was intended by them as a deſcription of a commonwealth, not a definition of liberty. There may be various degrees of liberty eſtabliſhed by the laws, and enjoyed by the citizens, in different commonwealths; but ſtill the general will, as well as the general intereſt, as far as it is underſtood by the people, prevails in all that can be

be denominated free: as the ſociety governs itſelf, it is free, according to the definition of Dr. Price. The inquiry of theſe writers, in ſuch paſſages, was not into the higheſt point of liberty, or greateſt degree of it, which might be eſtabliſhed by the general will, and the common ſenſe of intereſt, in their reſults or laws. They have taken it for granted, that human nature is ſo fond of liberty, that, if the whole ſociety were conſulted, a majority would never be found to put chains upon themſelves, by their own act and voluntary conſent.

But all men, as well as republican writers, muſt agree, that there can be no uninterrupted enjoyment of liberty, nor any good government in ſociety, without laws, or where ſtanding laws do not govern. In deſpotic ſtates, in ſimple monarchies, in ariſtocracies, in democracies, in all poſſible mixtures of theſe, the individual enjoys continually the benefit of law, as he does thoſe of light and air, although, in moſt of thoſe governments, he has no ſecurity for the continuance of it. If the laws were all repealed at once, in any great kingdom, and the event made known ſuddenly to all, there would ſcarcely a houſe remain in poſſeſſion of its preſent inhabitants, in the great cities.

The great queſtion therefore is, What combination of powers in ſociety, or what form of government, will compel the formation of good and equal laws, an impartial execution, and faithful interpretation of them, ſo that the citizens may conſtantly enjoy the benefit of them, and be ſure of their continuance. The controverſy between M. Turgot and me is—whether a ſingle aſſembly of repreſentatives be this form. He maintains the affirmative. I am for the negative: becauſe

ſuch an aſſembly will, upon the firſt day of its exiſtence, be an ariſtocracy; in a few days, or years at leaſt, an oligarchy; and then it will ſoon divide into two or three parties, who will ſoon have as many armies; and, when the battle is decided, the victorious general will govern without or with the advice of any council or aſſembly, as he pleaſes: or, if the aſſembly continues united, they will in time exclude the people from all ſhare even in elections, and make the government hereditary in a few families. In order to be fully convinced of this, we muſt take an extenſive view of the ſubject; and the firſt inquiry ſhould be, what kind of beings men are? You and I admire the fable of Triſtram Shandy more than the fable of the Bees, and agree with Butler rather than Hobbes. It is weakneſs rather than wickedneſs which renders men unfit to be truſted with unlimited power. The paſſions are all unlimited; nature has left them ſo: if they could be bounded, they would be extinct; and there is no doubt they are of indiſpenſable importance in the preſent ſyſtem. They certainly increaſe too, by exerciſe, like the body. The love of gold grows faſter than the heap of acquiſition: the love of praiſe increaſes by every gratification, till it ſtings like an adder, and bites like a ſerpent; till the man is miſerable every moment when he does not ſnuff the incenſe: ambition ſtrengthens at every advance, and at laſt takes poſſeſſion of the whole ſoul ſo abſolutely, that the man ſees nothing in the world of importance to others, or himſelf, but in his object. The ſubtilty of theſe three paſſions, which have been ſelected from all the others becauſe they are ariſtocratical paſſions, in ſubduing all others,

and even the underſtanding itſelf, if not the conſcience too, until they become abſolute and imperious maſters of the whole mind, is a curious ſpeculation. The cunning with which they hide themſelves from others, and from the man himſelf too; the patience with which they wait for opportunities; the torments they voluntarily ſuffer for a time, to ſecure a full enjoyment at length; the inventions, the diſcoveries, the contrivances they ſuggeſt to the underſtanding, ſometimes in the dulleſt dunces in the world, if they could be deſcribed in writing, would paſs for great genius.

We are not enough acquainted with the phyſical or metaphyſical effects they may have on our bodies or minds, to be able to explain the particular reaſon why every inſtance of indulgence ſtrengthens and confirms the ſubſequent emotions of deſire. The cauſe has been hitherto too deep, remote, and ſubtle, for the ſearch of corporeal or intellectual microſcopes; but the fact is too decided to deceive or eſcape our obſervation. Men ſhould endeavour at a *balance* of affections and appetites, under the monarchy of reaſon and conſcience, within, as well as at a balance of power without. If they ſurrender the guidance, for any courſe of time, to any one paſſion, they may depend upon finding it, in the end, an uſurping, domineering, cruel tyrant. They were intended by nature to live together in ſociety, and in this way to reſtrain one another, and in general are very good kind of creatures; but they know each other's imbecility ſo well, that they ought never to lead one another into temptation. The paſſion that is long indulged, and continually gratified, becomes mad; it is a ſpecies

cies of delirium; it ſhould not be called guilt, but inſanity; but who would truſt his life, liberty, and property, to a madman, or an aſſembly of them? it would be ſafer to confide in knaves. Five hundred or five thouſand together, in an aſſembly, are not leſs liable to this extravagance than one. The nation that commits its affairs to a ſingle aſſembly, will aſſuredly find that its paſſions and deſires augment as faſt as thoſe of a king; and therefore ſuch a conſtitution muſt be eſſentially defective.

Others have ſeen this quality in human nature through a more gloomy medium.

Machiavel ſays, thoſe who have written on civil government lay it down as a firſt principle, and all hiſtorians demonſtrate the ſame, that whoever would found a ſtate, and make proper laws for the government of it, muſt preſume that all men are bad by nature; and that they will not fail to ſhew that natural depravity of heart, whenever they have a fair opportunity; and, though poſſibly it may lie concealed for a while, on account of ſome ſecret reaſon, which does not then appear to men of ſmall experience, yet time, which is therefore juſtly called the father of truth, commonly brings it to light in the end. Machiavel's tranſlator remarks, that although this ſeems a harſh ſuppoſition, does not every Chriſtian daily juſtify the truth of it, by confeſſing it before God and the world? and are we not expreſsly told the ſame in ſeveral paſſages of the holy ſcriptures, and in all ſyſtems of human philoſophy?

Monteſquieu ſays, "Conſtant experience ſhews "us, that every man inveſted with power is apt "to abuſe it: he puſhes on, till he comes to "ſomething that limits him. Is it not ſtrange,

though true, to ſay, that virtue itſelf has need of limits? to prevent the abuſe of power, it is neceſſary, that, by the very diſpoſition of things, power ſhould be a check to power. A government may be ſo conſtituted, as no man ſhall be compelled to do things to which the law does not oblige him, nor forced to abſtain from things which the law permits.

Swift.—So endleſs and exorbitant are the deſires of men, that they will graſp at all, and can form no ſcheme of perfect happineſs with leſs. It is hard to recollect one folly, infirmity, or vice, to which a ſingle man is ſubjected, and from which a body of commons, collective or repreſentative (and he might have added a body of nobles) can be wholly exempt.

Junius.—Laws are intended, not to truſt to what men will do, but to guard againſt what they may do.

Beccaria.—*Ogni uomo ſi fa centro di tutte le combinazioni del globo.*

Rochefaucault.—The ambitious deceive themſelves, when they propoſe an end to their ambition; for that end, when attained, becomes a means.

De Lolme.—Experience evinces, that the happieſt diſpoſitions are not proof againſt the allurements of power, which has no charms but as it leads on to new advances. Authority endures not the very idea of reſtraint: nor does it ceaſe to ſtruggle, till it has beaten down every boundary.

Hobbes, Mandeville, Rochefaucault, have drawn ſtill more deteſtable pictures; and Rouſſeau, in his Inequalities among Mankind, gives a deſcription of a civilized heart, too black and horrible to be tranſcribed.

Even our amiable friends, thoſe benevolent Chriſtian philoſophers, Dr. Price and Dr. Prieſtley, acquaint

acquaint us, that they are conſtrained to believe human nature no better than it ſhould be. The latter ſays, there is no power on earth but has grown exorbitant, when it has met with no controul.

The former: "Such are the principles that go- "vern human nature; ſuch the weakneſs and folly "of men; ſuch their love of domination, ſelfiſhneſs, "and depravity, that none of them can be raiſed to "an elevation above others, without the utmoſt "danger. The conſtant experience of the world "has verified this, and proved that nothing intoxi- "cates the human mind ſo much as power. In the "eſtabliſhment, therefore, of civil government, it "would be prepoſterous to rely on the diſcretion "of any men. A people will never oppreſs them- "ſelves, or invade their own rights; but if they "truſt the arbitrary will of a body or ſucceſſion of "men, they truſt enemies."

Shall we ſay that all theſe philoſophers were ignorant of human nature? With all my ſoul, I wiſh it were in my power to quote any paſſages in hiſtory or philoſophy, which might demonſtrate all theſe ſatires on our ſpecies to be falſe. But the phenomena are all in their favour; and the only queſtion to be raiſed with them is, whether the cauſe is wickedneſs, weakneſs or inſanity? In all events, we muſt agree, that human nature is not fit to be truſted with M. Turgot's ſyſtem, of all authority in a ſingle aſſembly.

A ſingle aſſembly will never be a ſteady guardian of the laws, if Machiavel is right, when he ſays, "Men are never good but through neceſſity: on "the contrary, when good and evil are left to their "choice, they will not fail to throw every thing "into diſorder and confuſion. Hunger and poverty "may make men induſtrious, but laws only can

" make them good; for, if men were ſo of them-
" ſelves, there would be no occaſion for laws; but,
" as the caſe is far otherwiſe, they are abſolutely
" neceſſary. After the Tarquins were dead, who
" had been ſuch a check upon the nobility, ſome
" other expedient was wanting to have the ſame
" effect; ſo that, after much confuſion and diſor-
" der, and many dangerous conteſts between the
" patricians and plebeians, certain officers, called
" tribunes, were created for the ſecurity of the lat-
" ter; who, being veſted with ſuch privileges and
" authority as enabled them to become arbiters
" betwixt thoſe two eſtates, effectually curbed the
" inſolence of the former:" or, in the language of Dr. Franklin, the people inſiſted upon hitching a yoke of cattle behind the waggon, to draw up hill, when the patricians before ſhould attempt to go too faſt: or, in the ſtile of Harrington, the commons, finding the patricians diſpoſed to divide the cake unequally, demanded the privilege of chooſing.

If Harrington's authority is not of great weight with ſome men, the reaſons he aſſigns in ſupport of his judgement are often eternal, and unanſwerable by any man. In his Oceana he ſays, " Be the in-
" tereſt of popular government right reaſon, a
" man does not look upon reaſon as it is right or
" wrong in itſelf, but as it makes for him or
" againſt him: wherefore, unleſs you can ſhew
" ſuch *orders* of a government, as, like thoſe of God
" in nature, ſhall be able to conſtrain this or that
" creature to ſhake off that inclination which is
" more peculiar to it, and take up that which re-
" gards the common good or intereſt; all this is to
" no more end, than to perſuade every man, in a
" popular government, not to carve for himſelf
" of that which he likes beſt or deſires moſt, but

" to

" to be mannerly at the public table, and give the
" beſt from himſelf to decency and the *common in-*
" *tereſt.* But that ſuch *orders* may be eſtabliſhed, as
" may, nay muſt, give the upper hand in all caſes to
" common right and intereſt, notwithſtanding the
" nearneſs that ſticks to every man in private,
" and this in a way of equal certainty and facility,
" is known even to girls; being no other than
" thoſe which are of common practice with them
" in diverſe caſes. For example: Two of them
" have a cake, yet undivided, which was given
" between them. That each of them, therefore,
" might have that which is due, 'Divide,' ſays
" one, 'and I will chooſe; or let me divide, and
" you ſhall chooſe.' If this be but once agreed
" upon, it is enough; for the one dividing un-
" equally, loſes, in regard that the other takes the
" better half; wherefore ſhe divides equally, and
" ſo both have right. And thus, what great philo-
" ſophers are diſputing upon in vain, is brought
" to light by two harmleſs girls; even the whole
" myſtery of a commonwealth, which lies only in
" dividing and chooſing."

Now, if all authority is to be collected into one central aſſembly, it will have the whole power of diviſion and choice; and we may eaſily conjecture what diviſion and choice it will be. It will ſoon have poſſeſſion of all the cakes, loaves, and fiſhes.

Harrington proceeds: " Nor has God, if his
" works in nature be underſtood, left ſo much to
" mankind to diſpute upon, as who ſhall divide
" and who chooſe, but diſtributed them for ever
" into two orders; whereof the one has the natural
" right of dividing, and the other of chooſing.
" For example: A commonwealth is but a civil
" ſociety of men; let us take any number of men,

" as twenty, and immediately make a common-
" wealth. Twenty men, if they be not all ideots,
" perhaps if they be, can never come ſo together,
" but there will be ſuch a difference in them, that
" about a third will be wiſer, or at leaſt leſs fooliſh,
" than all the reſt. Theſe, upon acquaintance,
" though it be but ſmall, will be diſcovered, and
" (as ſtags that have the largeſt heads) lead the
" herd: for while the ſix, diſcourſing and arguing
" one with another, ſhew the eminence of their
" parts, the fourteen diſcover things that they
" never thought on, or are cleared in diverſe truths
" that formerly perplexed them: wherefore, in mat-
" ters of common concernment, difficulty, or dan-
" ger, they hang upon their lips, as children upon
" their fathers; and the influence thus acquired by
" the ſix, the eminence of whoſe parts are found to
" be a ſtay and comfort to the fourteen, is the au-
" thority of the fathers--*auctoritas patrum*. Where-
" fore this can be no other than a *natural ariſtocracy*,
" diffuſed by God throughout the whole body of
" mankind, to this end and purpoſe; and there-
" fore ſuch as the people have not only a natural,
" but a poſitive obligation to make uſe of as their
" guides; as where the people of Iſrael are com-
" manded to take wiſe men, and underſtanding, and
" known among their tribes, to be made rulers over
" them. The ſix then approved of, as in the pre-
" ſent caſe, are the ſenate; not by hereditary right,
" or in regard to the greatneſs of their eſtates
" only, which would tend to ſuch power as would
" force or draw the people; but by election for
" their excellent parts, which tends to the advance-
" ment of the influence of their virtue or authority,
" that leads the people. Wherefore the office of
" the ſenate is not to be commanders, but coun-
" ſellors

" ſellors of the people; and that which is proper
" for counſellors, is firſt to debate, and after-
" wards to give advice in the buſineſs whereon
" they have debated; whence the decrees of the
" ſenate are never laws, nor ſo called--*ſenatus con-*
" *ſulta*; and theſe, being maturely framed, it is
" their duty to propoſe to the people: wherefore
" the ſenate is no more than the debate of the com-
" monwealth. But to debate is to diſcern, or put
" a difference between things, that, being alike,
" are not the ſame; or it is ſeparating and weigh-
" ing this reaſon againſt that, and that reaſon
" againſt this; which is *dividing*.

" The ſenate then having divided, who ſhall
" chooſe? Aſk the girls; for if ſhe that divided
" muſt have choſen alſo, it had been little worſe
" for the other, in caſe ſhe had not divided at
" all, but kept the whole cake to herſelf; in re-
" gard that, being to chooſe too, ſhe divided ac-
" cordingly.

" Wherefore, if the ſenate have any further
" power than to divide, the commonwealth can
" never be equal. But, *in a commonwealth conſiſting*
" *of a ſingle council, there is no other to chooſe than*
" *that which divided:* whence it is, that ſuch a
" council fails not to *ſcramble*, that is, to be fac-
" tious; there being no dividing of the cake, in
" that caſe, but among themſelves: *nor is there any*
" *other remedy, but to have another council to chooſe.*
" The wiſdom of the few may be the light of
" mankind; but the intereſt of the few is not the
" profit of mankind, nor of a commonwealth:
" wherefore, ſeeing we have granted intereſt to be
" reaſon, they muſt not chooſe, leſt they put out
" their light. But as the council dividing conſiſts
" of the wiſdom of the commonwealth, ſo the aſ-

" ſembly or council chooſing ſhould conſiſt of the " intereſt of the commonwealth; as the wiſdom of " the commonwealth is in the ariſtocracy, ſo the in- " tereſt of the commonwealth is in the whole body " of the people: and whereas this, in caſe the " commonwealth conſiſts of a whole nation, is too " unwieldy a body to be aſſembled, this council is " to conſiſt of ſuch a repreſentative as may be " equal, and ſo conſtituted as it can never contract " any other intereſt than that of the whole people. " But, in the preſent caſe, the ſix dividing, and the " fourteen chooſing, muſt of neceſſity take in the " whole intereſt of the twenty. Dividing and " chooſing, in the language of a commonwealth, is " debating and reſolving; and whatever, upon de- " bate of the ſenate, is propoſed to the people, and " reſolved by them, is enacted by the authority of " the fathers, and by the power of the people— " *auctoritate patrum et juſſu populi*; which concur- " ring, make a law."

Upon theſe principles, and to eſtabliſh a method of enacting laws that muſt of neceſſity be wiſe and equal, the people of moſt of the United States of America agreed upon that diviſion of the legiſlative power into two houſes, the houſe of repreſentatives and the ſenate, which has given ſo much diſguſt to M. Turgot. Harrington will ſhew us, equally well, the propriety and neceſſity of the other branch, the governor: but before we proceed to that, it may be worth while to obſerve the ſimilitude between this paſſage, and ſome of thoſe ſentiments and expreſſions of Swift, which were quoted in a former letter; and there is in the Idea of a Patriot King, written by his friend Lord Bolingbroke, a paſſage to the ſame purpoſe, ſo nobly expreſſed, that I cannot forbear the pleaſure of tranſcribing

ſcribing it: "It ſeems to me, that, in order to "maintain the moral ſyſtem of the univerſe at "a certain point, far below that of ideal perfec- "tion (for we are made capable of conceiving "what we are not capable of attaining), it has "pleaſed the author of Nature to mingle, from "time to time, among the ſocieties of men, a few, "and but a few, of thoſe on whom he has been "graciouſly pleaſed to confer a larger proportion of "the etherial ſpirit, than in the ordinary courſe of "his providence he beſtows on the ſons of men. "Theſe are they who engroſs almoſt the whole "reaſon of the ſpecies. Born to direct, to guide, "and to preſerve, if they retire from the world "their ſplendour accompanies them, and en- "lightens even the darkneſs of their retreat. If "they take a part in public life, the effect is never "indifferent: they either appear the inſtruments "of divine vengeance, and their courſe through the "world is marked by deſolation and oppreſſion, "by poverty and ſervitude; or they are the guar- "dian angels of the country they inhabit, ſtudious "to avert the moſt diſtant evil, and to procure "peace, plenty, and the greateſt of human bleſ- "ſings—liberty.

If there is then, in ſociety, ſuch a natural ariſto- cracy as theſe great writers pretend, and as all hiſtory and experience demonſtrate, formed partly by genius, partly by birth, and partly by riches, how ſhall the legiſlator avail himſelf of their in- fluence for the equal benefit of the public? and how, on the other hand, ſhall he prevent them from diſturbing the public happineſs? I anſwer, by ar- ranging them all, or at leaſt the moſt conſpicuous of them, together in one aſſembly by the name of a ſenate; by ſeparating them from all pretenſions

to

to the executive power; and by controuling, in the legiſlative, their ambition and avarice, by an aſſembly of repreſentatives on one ſide, and by the executive authority on the other. Thus you will have the benefit of their wiſdom without fear of their paſſions. If among them there are ſome of Lord Bolingbroke's guardian angels, there will be ſome of his inſtruments of divine vengeance too: the latter will be here reſtrained by a three fold tie; by the executive power, by the repreſentative aſſembly, and by their peers in the ſenate. But if theſe were all admitted into a ſingle popular aſſembly, the worſt of them might in time obtain the aſcendancy of all the reſt. In ſuch a ſingle aſſembly, as has been obſerved before, almoſt the whole of this ariſtocracy will make its appearance; being returned members of it by the election of the people; theſe will be one claſs. There will be another ſet of members, of middling rank and circumſtances, who will juſtly value themſelves upon their independence, their integrity, and unbiaſſed affection to their country, and will pique themſelves upon being under no obligation. But there will be a third claſs, every one of whom will have his leader among the members of the firſt claſs, whoſe character he will celebrate, and whoſe voice he will follow; and this party, after a courſe of time, will be the moſt numerous. The queſtion then will be, whether this ariſtocracy in the houſe will unite or divide? and it is too obvious, that deſtruction to freedom muſt be the conſequence equally of their union or of their diviſion. If they unite generally in all things, as much as they certainly will in reſpecting each other's wealth, birth, and parts, and conduct themſelves with prudence, they will ſtrengthen themſelves by inſenſible degrees, by playing into each

each other's hands more wealth and popularity, until they become able to govern elections as they pleaſe, and rule the people at diſcretion. An independent member will be their averſion; all their artifices will be employed to deſtroy his popularity among his conſtituents, and bring in a diſciple of their own in his place.

But if they divide, each party will, in a courſe of time, have the whole houſe, and conſequently the whole ſtate, divided into two factions, which will ſtruggle in words, in writing, and at laſt in arms, until Cæſar or Pompey muſt be emperor, and entail an endleſs line of tyrants on the nation. But long before this cataſtrophe, and, indeed, through every ſcene of the drama, the laws, inſtead of being permanent, and affording conſtant protection to the lives, liberties, and properties of the citizens, will be alternately the ſport of contending factions, and the mere vibrations of a pendulum. From the beginning to the end it will be a government of men, now of one ſet, and then of another; but never a government of laws.

LETTER XXVII.

MIXED GOVERNMENTS.

MACHIAVEL'S DISCOURSES UPON THE FIRST DECADE OF LIVY. BOOK I. C. 2.

MY DEAR SIR,

THE whole chapter is very much to the purpoſe, but the following paragraphs more particularly ſo.—According to ſome authors, there are but three ſorts of governments, viz. monarchy or

or principality, ariſtocracy, and democracy; and that thoſe who intend to erect a new ſtate muſt have recourſe to ſome one of theſe which he likes beſt. Others, and with more judgement, as many think, ſay there are ſix ſorts; three of which are very bad, and the other three good in themſelves, but liable to be ſo corrupted that they may become the worſt. The three good ſorts have been juſt now mentioned; the other three proceed from theſe; and every one of them bears ſuch a reſemblance to that on which it reſpectively depends, that the tranſition from one to the other is ſhort and eaſy; for monarchy often degenerates into tyranny, ariſtocracy into oligarchy, and democracy into licentious anarchy and confuſion: ſo that whoever ſets up any one of the former three ſorts of government, may aſſure himſelf it will not be of any long duration; for no precaution will be ſufficient to prevent its falling into the other that is analogous to it, on account of the affinity which there ſeems to be in this caſe betwixt virtue and vice, perfection and imperfection.

This variety of governments among mankind appears to have been the effect of chance: for in the beginning of the world, the inhabitants being few, they ſometimes lived ſeparate from each other, like beaſts; but afterwards, as they multiplied, they began to unite for their mutual defence, and put themſelves under the protection of ſuch as were moſt eminent amongſt them for courage and ſtrength, whom they engaged to obey and acknowledge as their chiefs. Hence aroſe the diſtinction betwixt honeſt and diſhoneſt, juſt and unjuſt: for when any one injured his benefactor, his ingratitude excited a ſort of fellow-feeling and indignation in others, as well as kindneſs and reſpect for thoſe that behaved differently; and, as they conſidered that they might ſome time or other, perhaps,

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be treated in the ſame manner themſelves, if proper meaſures were not taken to prevent it, they thought fit to make laws for the reward of good men, and the puniſhment of offenders. This firſt gave riſe to juſtice in the world; and from this conſideration it came to paſs, in proceſs of time, that, in the election of a new chief, they had not ſo much regard to courage and bodily ſtrength, as to wiſdom and integrity: but afterwards, as this kind of government became gradually hereditary inſtead of elective, the heirs of theſe chieftains ſoon began to degenerate from the virtue of their anceſtors, and to behave themſelves as if they thought the main duty of a prince conſiſted in ſurpaſſing all other men in luxury, extravagance, effeminacy, and every ſort of voluptuouſneſs; by which, in a while, they firſt grew odious to their ſubjects, and then ſo jealous for themſelves, that they were forced to diſtreſs and cut off others for their own ſecurity, and at laſt to become downright tyrants. This firſt occaſioned combinations and conſpiracies for the deſtruction of princes; not amongſt the weak and puſillanimous part of their ſubjects, but among ſuch as being more eminent for their generoſity, magnanimity, riches, and birth, could not endure any longer to ſubmit to theſe pitiful and oppreſſive governments.

The multitude, therefore, ſwayed by the authority of the nobles, roſe in arms againſt their prince; and being freed from his yoke, transferred their allegiance to their deliverers, who, being thoroughly diſguſted at monarchy, changed the form of government, and took it into their own hands: after which they conducted both themſelves and the ſtate according to the plan they had formed, preferring the common good to any particular advantage; and behaving, in private as well as public affairs,

affairs, with aſſiduity and moderation; whilſt the remembrance of their paſt ſufferings continued freſh upon their minds. But this authority afterwards devolving upon their ſons, who had not ſeen theſe changes, nor experienced the miſeries of tyranny, they began to grow ſo diſſatisfied with that ſort of civil equality, that they caſt off all reſtraint; and giving themſelves up to rapine, ambition, and luſt, ſoon changed the government again from ariſtocracy into an oligarchy. Their adminiſtration, however, becoming as inſupportable, in a while, as the tyranny of the other had formerly been, the people naturally began to look out for ſome deliverer; and, having fixed upon a leader, they put themſelves under his banners, and eſtabliſhed oligarchy. But when they had done this, and came to reflect upon the oppreſſions they ſuſtained under a tyrant, they reſolved never to be again governed by any one man, and therefore agreed to ſet up a popular government, which was conſtituted in ſuch a manner, that the chief authority was not veſted either in a prince or in a junto of the nobility.

Now, as all new eſtabliſhments are held in ſome degree of reverence and veneration at firſt, this form ſubſiſted for ſome time; though no longer than thoſe people lived, who had been the founders of it: for, after their death, their deſcendants degenerated into licentiouſneſs, and ſuch a contempt for all authority and diſtinction, that, every man living after his own caprice, there was nothing to be ſeen but confuſion and violence: ſo that, either by the advice of ſome good and reſpectable man, or compelled by the abſolute neceſſity of providing a remedy for theſe diſorders and enormities, they at laſt determined once more to ſubmit to the dominion of one: from which ſtate they fell again in time, through the ſame gradations, and from the

above-

above-mentioned cauſes, into miſrule and licentiouſneſs. Such is the rotation to which all ſtates are ſubject; nevertheleſs they cannot often revert to the ſame kind of government, becauſe it is not poſſible that they ſhould ſo long exiſt as to undergo many of theſe mutations: for it frequently happens, that when a ſtate is labouring under ſuch convulſions, and is deſtitute both of ſtrength and counſel, it falls a prey to ſome other neighbouring community or nation that is better governed; otherwiſe it might paſs through the ſeveral above-mentioned revolutions again and again to infinity.

All theſe ſorts of government then, in my opinion, are infirm and inſecure; the three former from the uſual ſhortneſs of their duration, and the three latter from the malignity of their own principles. The wiſeſt legiſlators, therefore, being aware of theſe defects, never eſtabliſhed any one of them in particular, but contrived another that partakes of them all, conſiſting of a prince, lords, and commons, which they looked upon as more firm and ſtable, becauſe every one of theſe members would be a check upon the other; and of thoſe legiſlators, Lycurgus certainly merits the higheſt praiſe, who conſtituted an eſtabliſhment of this kind at Sparta, which laſted about eight hundred years, to his own great honour, as well as the tranquillity of the citizens.

Very different was the fate of the government eſtabliſhed by Solon at Athens, which, being a ſimple democracy only, was of ſo ſhort continuance, that it gave way to the tyranny of Piſiſtratus before the death of the legiſlator: and though, indeed, the heirs of that tyrant were expelled about forty years after, and the Athenians not only recovered their liberty, but re-eſtabliſh-

ed Solon's laws and plan of government, yet they did not maintain it above one hundred years, notwithſtanding they made ſeveral new regulations to reſtrain the inſolence of the nobles, and the licentiouſneſs of the commons; the neceſſity of which Solon had not foreſeen: ſo that for want of tempering his democracy with a ſhare of ariſtocracy and princely power, it was of ſhort duration in compariſon of the conſtitution of Sparta.

But to return to Rome.—Though that city had not a Lycurgus to model its conſtitution at firſt, in ſuch a manner as might preſerve its liberty for a long courſe of time, yet ſo many were the accidents which happened in the conteſts betwixt the patricians and plebeians, that chance effected what the lawgiver had not provided for: ſo that if it was not perfect at the beginning, it became ſo after a while; for though the firſt laws were deficient, yet they were neither incapable of amendment, nor repugnant to its future perfection; ſince not only Romulus, but all the reſt of the kings that ſucceeded him, made ſeveral good alterations in them, and ſuch as were well calculated for the ſupport of liberty. But, as it was their intention to found a monarchy, and not a republic, when that city had ſhaken off the yoke of a tyrant, there ſeemed to be many proviſions ſtill wanting for the further maintenance of its freedom. And notwithſtanding tyranny was at laſt eradicated by the ways and means abovementioned yet thoſe who had chiefly contributed to it, created two conſuls to ſupply the place of royalty; by which it came to paſs, that the name alone, and not the authority of princes, was extinguiſhed: ſo that the ſupreme power being lodged only in the conſuls and ſenate, the govern-

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ment conſiſted of no more than two of the three eſtates, which we have ſpoken of before, that is, of royalty and ariſtocracy; it remained, therefore, ſtill neceſſary to admit the people into ſome ſhare of the government: and the patricians growing ſo inſolent in time (as I ſhall ſhew hereafter) that the plebeians could no longer endure it, the latter took arms, and obliged them to relinquiſh part of their authority, leſt they ſhould loſe the whole: on the other hand, the conſuls and ſenators ſtill retained ſo much power in the commonwealth, as enabled them to ſupport their rank and dignity with honour. This ſtruggle gave birth to certain officers, called tribunes of the people; after the creation of whom, the ſtate became more firm and compact, every one of the three degrees abovementioned having its proper ſhare in the government; and ſo propitious was fortune to it, that although it was changed from a monarchy into an ariſtocracy, and afterwards into a democracy, by the ſteps and for the reaſons already aſſigned, yet the royal power was never entirely aboliſhed and given to the patricians, nor that of the patricians wholly to the plebeians: on the contrary, the authority of the three eſtates being duly proportioned and mixed together, gave it the higheſt degree of perfection that any commonwealth is capable of attaining to;—and this was owing in a great meaſure, if not altogether, to the diſſenſions that happened betwixt the patricians and plebeians, as ſhall be ſhewn more at large in the following chapters.

LETTER XXVII.

MIXED OR COMPOSED GOVERNMENTS.

SIDNEY, PAGE 22, §. 10.

DEAR SIR,

SOME ſmall numbers of men, living within the precincts of one city, have, as it were, caſt into a common ſtock, the right which they had of governing themſelves and children, and, by common conſent, joining in one body, exerciſed ſuch power over every ſingle perſon as ſeemed beneficial to the whole; and this men call perfect democracy. Others choſe rather to be governed by a ſelect number of ſuch as moſt excelled in wiſdom and virtue; and this, according to the ſignification of the word, was called ariſtocracy. When one man excelled all others, the government was put into his hands under the name of monarchy. But the wiſeſt, beſt, and by far the greateſt part of mankind, rejecting theſe ſimple ſpecies, did form governments mixed or compoſed of the three, as ſhall be proved hereafter, which commonly received their reſpective denomination from the part that prevailed, and did receive praiſe or blame, as they were well or ill-proportioned.

Sidney, p. 138. §. 16.—The beſt governments of the world have been compoſed of monarchy, ariſtocracy, and democracy.

As for democracy, I believe it can ſuit only with the convenience of a ſmall town, accompanied with ſuch circumſtances as are ſeldom found.

found. But this no way obliges men to run into the other extreme, in as much as the variety of forms, between mere democracy and abſolute monarchy, is almoſt infinite. And if I ſhould undertake to ſay, there never was a good government in the world, that did not conſiſt of the three ſimple ſpecies of monarchy, ariſtocracy, and democracy, I think I may make it good. This, at the leaſt, is certain, that the government of the Hebrews, inſtituted by God, had a judge, the great Sanhedrim, and general aſſemblies of the people. Sparta had two kings, a ſenate of twenty-eight choſen men, and the like aſſemblies. All the Dorian cities had a chief magiſtrate, a ſenate, and occaſional aſſemblies. The cities of Ionia, Athens, and others, had an Archon, the Areopagitæ, &c.; and all judgements concerning matters of the greateſt importance, as well as the election of magiſtrates, were referred to the people. Rome, in the beginning, had a king and a ſenate, while the election of kings and judgements upon appeals remained in the people; afterwards, conſuls repreſenting kings, and veſted with equal power, a more numerous ſenate, and more frequent meetings of the people. Venice has at this day, a duke, the ſenate of the pregadi, and the great aſſembly of the nobility, which is the whole city; the reſt of the inhabitants being only incolæ, not cives; and thoſe of the other cities or countries are their ſubjects, and do not participate in the government.

Genoa is governed in like manner; Lucca not unlike to them. Germany is at this day governed by an emperor, the princes or great lords in their ſeveral precincts; the cities by their own magiſtrates; and by general diets, in which the whole power of the nation reſides, and where the empe-

ror, princes, nobility, and cities have their places in perſon, or by their deputies. All the northern nations which, upon the diſſolution of the Roman empire, poſſeſſed the beſt provinces that had compoſed it, were under that form which is uſually called the Gothic polity. They had king, lords, commons, diets, aſſemblies of eſtates, cortes, and parliaments, in which the ſovereign powers of thoſe nations did reſide, and by which they were exerciſed. The like was practiſed in Hungary, Bohemia, Sweden, Denmark, Poland: and, if things are changed in ſome of thoſe places within theſe few years, they muſt give better proofs of having gained by the change than are yet ſeen in the world, before I think myſelf obliged to change my opinion.

Some nations, not liking the name of king, have given ſuch a power as kings enjoyed in other places to one or more magiſtrates, either limited to a certain time, or left to be perpetual, as beſt pleaſed themſelves: others, approving the name, made the dignity purely elective. Some have in their elections principally regarded one family as long as it laſted: others conſidered nothing but the fitneſs of the perſon, and reſerved to themſelves a liberty of taking where they pleaſed. Some have permitted the crown to be hereditary as to its ordinary courſe; but reſtrained the power, and inſtituted officers to inſpect the proceedings of kings, and to take care that the laws were not violated. Of this ſort were the Ephori of Sparta, the Maires du Palais, and afterwards the conſtable of France, the juſticiar in Arragon, the reichshofmeeter in Denmark, the high ſteward in England; and in all places, ſuch aſſemblies as are beforementioned under ſeveral names, who had the power of the whole nation, &c.

Sidney.

Sidney, p. 147. §. 18.—It is confeſſed, that a pure democracy can never be good, unleſs for a ſmall town, &c.

Sidney, p. 160. §. 19.—As to popular government in the ſtricteſt ſenſe, that is, pure democracy, where the people in themſelves, and by themſelves, perform all that belongs to government, I know of no ſuch thing; and, if it be in the world, have nothing to ſay for it.

Sidney, p. 161.—If it be ſaid, that thoſe governments, in which the democratical part governs moſt, do more frequently err in the choice of men, or the means of preſerving that purity of manners which is required for the well-being of a people, than thoſe wherein ariſtocracy prevails, I confeſs it, and that in Rome and Athens, the beſt and wiſeſt men did for the moſt part incline to ariſtocracy. Xenophon, Plato, Ariſtotle, Thucydides, Livy, Tacitus, Cicero, and others, were of this ſort. But if our author there ſeek patrons for his abſolute monarchy, he will find none but Phalaris, Agathocles, Dionyſius, Catiline, Cethegus, Lentulus, with the corrupted crew of mercenary raſcals who did, or endeavoured to ſet them up: theſe are they, *quibus ex honeſto nulla eſt ſpes:* they abhor *the dominion of the law,* becauſe it curbs their vices, and make themſelves ſubſervient to the luſts of *a man* who may nouriſh them.

Sidney, p. 165. §. 21.—Being no way concerned in the defence of democracy, &c. I may leave our knight, like Don Quixote, fighting againſt the phantaſms of his own brain, and ſaying what he pleaſes againſt ſuch governments as never were, unleſs in ſuch a place as St. Marino, near Siniglaglia in Italy, where a hundred clowns govern

a barbarous rock that no man invades, and relates nothing to our queſtion. The republic of St. Marino, next to that of Millingen in Switzerland, is the ſmalleſt republic in Europe. The limits of it extend no farther than the baſe of the mountain on which it is ſeated. Its inſignificance is its ſecurity. No neighbouring prince ever thought it worth his while to deſtroy the independency of ſuch a beehive. See Blainville's Travels, vol. ii. p. 227. Addiſon's Remarks on ſeveral parts of Italy.

Sidney, p. 258.—However, more ignorance cannot be expreſſed, than by giving the name of democracy to thoſe governments that are compoſed of the three ſimple ſpecies, as we have proved that all the good ones have ever been: for, in a ſtrict ſenſe, it can only ſuit with thoſe, where the people retain to themſelves the adminiſtration of the ſupreme power; and more largely, when the popular part, as in Athens, greatly overbalances the other two, and the denomination is taken from the prevailing part.

LETTER

LETTER XXVIII.

MIXED GOVERNMENTS.

MONTESQUIEU, SPIRIT OF LAWS, B. 11. C. vi. OF THE CONSTITUTION OF ENGLAND.

MY DEAR SIR,

IN every government there are three ſorts of power; the legiſlative, the executive in reſpect of things dependent on the law of nations, and the executive in regard to things that depend on the civil law.

By virtue of the firſt (i. e. the legiſlative power) the prince or magiſtrate enacts temporary or perpetual laws, and amends or abrogates thoſe that have been already enacted. By the ſecond, he makes peace or war, ſends or receives embaſſies, eſtabliſhes the public ſecurity, and provides againſt invaſions. By the third, he puniſhes criminals, or determines the diſputes that ariſe between individuals. The latter we ſhall call the judiciary power, and the other ſimply the executive power of the ſtate.

The political liberty of the citizen is a tranquillity of mind, ariſing from the opinion each perſon has of his ſafety. In order to have this liberty, it is requiſite the government be ſo conſtituted, as that one citizen need not be afraid of another citizen.

When the legiſlative and executive powers are united in the ſame perſon, or in the ſame body of magiſtrates, there can be no liberty; becauſe apprehenſions may ariſe, leſt the ſame monarch or ſenate, or the ſame ſenate, ſhould enact tyran-

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nical laws, to execute them in a tyrannical manner.

Again; there is no liberty, if the power of judging be not ſeparated from the legiſlative and executive powers: were it joined with the legiſlative, the life and liberty of the citizens would be expoſed to arbitrary controul; for the judge would then be legiſlator: and were it joined to the executive power, the judge might behave with all the violence of an oppreſſor.

There would be an end of every thing (*tout ſeroit perdu*) were the ſame man, or the ſame body, whether of princes, or of the nobles, or of the people, to exerciſe thoſe three powers; that of enacting laws, that of executing the public reſolutions, and that of judging the crimes or differences of individuals.

Moſt kingdoms in Europe enjoy a moderate government, becauſe the prince, who is inveſted with the two firſt powers, leaves the third to his ſubjects. In Turkey, where theſe three powers are united in the Sultan's perſon, the ſubjects groan under the weight of a moſt frightful oppreſſion. In the republics of Italy, where theſe three powers are united, there is leſs liberty than in our monarchies. Hence their government is obliged to have recourſe to as violent methods for its ſupport, as even that of the Turks; witneſs the ſtate inquiſitors of Venice, and the lion's mouth, into which every informer may at all hours throw his written accuſations: what a ſituation muſt the poor citizen be in under thoſe poor republics! the ſame body of magiſtrates are poſſeſſed, as executors of the laws, of the whole power they have given themſelves in quality of legiſlators. They might plunder the ſtate by their general determinations; and as they have likewiſe the judiciary power in their hands, every private citizen

citizen may be ruined by their particular deciſions. The whole power is here united in one body; and though there is no external pomp that indicates a deſpotic ſway, yet the people feel the effects of it every moment.

Hence it is, that many of the princes of Europe, whoſe aim has been levelled at arbitrary power, have conſtantly ſet out with uniting in their own perſons all the branches of magiſtracy, and all the great offices of ſtate.

I allow, indeed, that the mere hereditary ariſtocracy of the Italian republics does not anſwer exactly to the deſpotic power of the eaſtern princes. The number of magiſtrates ſometimes ſoftens the power of the magiſtracy; the whole body of the nobles do not always concur in the ſame deſigns; and different tribunals are erected that temper each other. Thus, at Venice, the legiſlative power is in the council, the executive in the pregadi, and the judiciary in the quarantia. But the miſchief is, that theſe different tribunals are compoſed of magiſtrates all belonging to the ſame body; which conſtitutes almoſt one and the ſame power.

The judiciary power ought not to be given to a ſtanding ſenate; it ſhould be exerciſed by perſons taken from the body of the people, as at Athens, at certain times of the year, and purſuant to a form and manner preſcribed by law, in order to erect a tribunal that ſhould laſt only as long as neceſſity requires.

By this means the power of judging, a power ſo terrible to mankind, not being annexed to any particular ſtate or profeſſion, becomes, as it were, inviſible. People have not then the judges continually preſent to their view; they fear the office, but not the magiſtrate.

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In accuſations of a deep or criminal nature, it is proper the perſon accuſed ſhould have the privilege of chuſing, in ſome meaſure, his judges, in concurrence with the law; or, at leaſt, he ſhould have a right to except againſt ſo great a number, that the remaining part may be deemed his own choice. The other two powers may be given rather to magiſtrates or permanent bodies, becauſe they are not exerciſed on any private ſubject; one being no more than the general will of the ſtate, and the other the execution of that general will.

But though the tribunals ought not to be fixed, yet the judgements ought, and to ſuch a degree as to be always conformable to the exact letter of the law. Were they to be the private opinion of the judge, people would then live in ſociety without knowing exactly the obligations it lays them under.

The judges ought likewiſe to be in the ſame ſtation as the accuſed, or, in other words, his peers, to the end that he may not imagine he is fallen into the hands of perſons inclined to treat him with rigour.

If the legiſlative leaves the executive power in poſſeſſion of a right to impriſon thoſe ſubjects who can give ſecurity for their good behaviour, there is an end of liberty, unleſs they are taken up in order to anſwer without delay to a capital crime; in this caſe they are really free, being ſubject only to the power of the law.

But ſhould the legiſlative think itſelf in danger, by ſome ſecret conſpiracy againſt the ſtate, or by a correſpondence with a foreign enemy, it might authoriſe the executive power, for a ſhort and limited time, to impriſon ſuſpected perſons; who, in that caſe, would loſe their liberty only for a while, to preſerve it for ever. And this is the

only reaſonable method that can be ſubſtituted to the tyrannical magiſtracy of the Ephori, and to the ſtate inquiſitors of Venice, who are alſo deſpotical.

As, in a free ſtate, every man who is ſuppoſed a free agent, ought to be his own governor; ſo the legiſlative power ſhould reſide in the whole body of the people. But ſince this is impoſſible in large ſtates, and in ſmall ones is ſubject to many inconveniencies, it is fit the people ſhould execute by their repreſentatives what they cannot execute by themſelves.

The inhabitants of a particular town are much better acquainted with its wants and intereſts, than with thoſe of other places; and are better judges of the capacity of their neighbours, than of that of the reſt of their countrymen. The members therefore of the legiſlature ſhould not be choſen from the general body of the nation; but it is proper, that in every conſiderable place, a repreſentative ſhould be elected by the inhabitants.

The great advantage of repreſentatives is, their being capable of diſcuſſing affairs; for this the people collectively are extremely unfit, which is one of the greateſt inconveniencies of a democracy.

It is not at all neceſſary that the repreſentatives who have received a general inſtruction from their electors, ſhould wait to be particularly inſtructed on every affair, as is practiſed in the diets of Germany. True it is, that by this way of proceeding, the ſpeeches of the deputies might with greater propriety be called the voice of the nation: but, on the other hand, this would throw them into infinite delays; would give each deputy a power of controuling the aſſembly; and

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on the moſt urgent and preſſing occaſions, the ſprings of the nation might be ſtopped by a ſingle caprice.

LETTER XIX.

ANCIENT REPUBLICS, AND OPINIONS OF PHILOSOPHERS.

MY DEAR SIR,

IN ſearching for the principles of government, we may divide them into two kinds: the principles of authority, and the principles of power. The firſt are virtues of the mind and heart, ſuch as wiſdom, prudence, courage, patience, temperance, juſtice, &c.: the ſecond are the goods of fortune, ſuch as riches, extraction, knowledge, and reputation. I rank knowledge among the goods of fortune, becauſe it is the effect of education, ſtudy, and travel, which are either accidents, or uſual effects of riches or birth, and is by no means neceſſarily connected with wiſdom or virtue: but, as it is univerſally admired and reſpected by the people, it is clearly a principle of power. The ſame may be ſaid of reputation, which, abſtracted from all conſideration whether it is merited or not, well or ill-founded, is another ſource of power.

Riches will hold the firſt place in civiliſed ſocieties at leaſt, among the principles of power, and will often prevail not only over all the principles of authority, but over all the advantages of birth, knowledge, and fame. For, as Harrington ſays,

ſays, "Men are hung upon riches, not of choice as upon the other, but of neceſſity and by the teeth: for as much as he who wants bread, is his ſervant that will feed him; and if a man thus feeds a whole people, they are under his empire." It already appears, that there muſt be in every ſociety of men, ſuperiors and inferiors, becauſe God has laid in the conſtitution and courſe of nature the foundation of the diſtinction. And indeed, as Harrington ſays, "an army may as well conſiſt of ſoldiers without officers, or of officers without ſoldiers, as a commonwealth conſiſt of a people without a gentry, or of a gentry without a people."

"Let ſtates take heed," ſays Lord Bacon, "how their nobility and gentlemen multiply too faſt, for that makes the common ſubject grow to be a peaſant and baſe ſwain driven out of heart, and in effect but a gentleman's labourer. How ſhall the plow then be kept in the hands of the owners, and not mere hirelings? how ſhall the country attain to the character which Virgil gives of ancient Italy? *Terra potens armis, atque ubere gleba?* how, but by the balance of dominion or property?"

Notwithſtanding M. Turgot's averſion to balances, Harrington diſcovered, and made out, as Toland his biographer informs us, that "empire follows the balance of property, whether lodged in one, a few, or many hands." A noble diſcovery, of which the honour ſolely belongs to him, as much as the circulation of the blood to Harvey, printing to Laurence Coſter, or of guns, compaſſes, or optic glaſſes, to the ſeveral authors. If this balance is not the foundation of all politics, as Toland aſſerts, it is of ſo much importance, that no man can be thought a maſter of the

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ſubject without having well weighed it. M. Turgot, it is plain, had not the leaſt idea of it.

"Tillage," ſays Harrington, "bringing up a good ſoldiery, brings up a good commonwealth: for where the owner of the plow comes to have the ſword too, he will uſe it in defence of his own. Whence it has happened, that the people of England, in proportion to their property, have been always free, and the genius of this nation has ever had ſome reſemblance with that of ancient Italy, which was wholly addicted to commonwealths, and where Rome came to make the greateſt account of her ruſtic tribes, and to call her conſuls from the plow: for in the way of parliaments, which was the government of this realm, men of country lives have been ſtill intruſted with the greateſt affairs, and the people have conſtantly had an averſion to the ways of the court. Ambition, loving to be gay and to fawn, has been a gallantry looked upon as having ſomething in it of the livery; and huſbandry, or the country way of life, though of a groſſer ſpinning, as the beſt ſtuff of a commonwealth, according to Ariſtotle; ſuch a one being the moſt obſtinate aſſertreſs of her liberty, and the leaſt ſubject to innovation or turbulency. Commonwealths, upon which the city life has had the greateſt influence, as Athens, have ſeldom or never been quiet; but at beſt are found to have injured their own buſineſs by overdoing it. Whence the Urban tribes of Rome, conſiſting of the *turba fōrenſis* and *libertinus*, that had received their freedom by manumiſſion, were of no reputation in compariſon of the ruſtics. A commonwealth, conſiſting but of one city, would doubtleſs be ſtormy, in regard that ambition would be every man's trade: but where it conſiſts of a country, the plow in the hands of the owner finds him

him a better calling, and produces the moſt innocent and ſteady genius of a commonwealth.

Oceana, p. 37.—Domeſtic empire is founded upon dominion, and dominion is property, real or perſonal; that is to ſay, in lands, or in money and goods. Lands, or the parcels of a territory, are held by the proprietor or proprietors of it, in ſome proportion: and ſuch (except it be in a city that has little or no land, and whoſe revenue is in trade) as is the proportion or balance of dominion or property in land, ſuch is the nature of the empire. If one man be ſole landlord of a territory, or over-balance the people—for example, three parts in four—he is grand ſeignior: for ſo the Turk is called from his property; and his empire is abſolute monarchy. If the few, as a nobility and clergy, be landlords, or over-balance the people to the like proportion, it makes the Gothic balance, and the empire is mixed monarchy, as that of Spain, Poland, and once of England: and if the whole people be landlords, or hold the lands ſo divided among them, that no one man, or number of men, within the compaſs of the few, or ariſtocracy, over-balance them, the empire is a commonwealth.

If force be interpoſed in any of theſe three caſes, it muſt either frame the government to the foundation, or the foundation to the government; or, holding the government not according to the balance, it is not natural, but violent: and therefore if it be at the devotion of a prince, it is tyranny; if at the devotion of the few, oligarchy; or if in the power of the people, anarchy. Each of which confuſions, the balance ſtanding otherwiſe, is but of ſhort continuance, becauſe againſt the nature of the balance: which not deſtroyed, deſtroys that which oppoſes it.

Here it would be entertaining to apply theſe obſervations to the force of fleets and armies, &c. applied by Great Britain in the late conteſt with America. The balance of land, eſpecially in New England, where the force was firſt applied, was neither in the king nor a nobility, but immenſely in favour of the people. The intention of the Britiſh politicians was to alter this balance, "frame the foundation to the government, by "bringing the lands more and more into the "hands of the governors, judges, counſellors, &c. "&c. who were all to be creatures of a Britiſh "miniſtry. We have ſeen the effects."—The balance deſtroyed that which oppoſed it.

Harrington proceeds—But there are certain other confuſions, which being rooted in the balance, are of longer continuance, and of worſe conſequence; as, firſt, where a nobility holds half the property, or about that proportion, and the people the other half; in which caſe, without altering the balance, there is no remedy, but the one muſt eat out the other; as the people did the nobility in Athens, and the nobility the people in Rome. Secondly, where a prince holds about half the dominion, and the people the other half, which was the caſe of the Roman Emperors, (planted partly upon their military colonies, and partly upon the ſenate and the people) the government becomes a very ſhambles, both of the princes and the people. It being unlawful in Turkey that any ſhould poſſeſs land but the grand ſeignior, the balance is fixed by the law, and that empire firm. Nor, though the kings often fell, was the throne of England known to ſhake, until the ſtatute of alienations broke the pillars, by giving way to the nobility to ſell their eſtates. While Lacedemon held to the diviſion of land made by Lycurgus,

Lycurgus, it was immoveable; but, breaking that, could ſtand no longer. This kind of law, fixing the balance in lands, is called Agrarian, and was firſt introduced by God himſelf, who divided the land of Canaan to his people by lot.

The public ſword, without a hand to hold it, is but cold iron. The hand which holds this ſword is the militia of a nation; and the militia of a nation is either an army in the field, or ready for the field upon occaſion. But an army is a beaſt that has a great belly, and muſt be fed; wherefore this will come to what paſtures you have, and what paſtures you have will come to the balance of property, without which the public ſword is but a name. He that can graze this beaſt with the great belly, as the Turk does his timariots, may well deride him that imagines he received his power by covenant. But if the property of the nobility, ſtocked with their tenants and retainers, be the paſture of that beaſt, the ox knows his maſter's crib; and it is impoſſible for a king, in ſuch a conſtitution, to reign otherwiſe than by covenant; or, if he breaks it, it is words that come to blows.

Ariſtotle is full of this balance in divers places, eſpecially where he ſays, that immoderate wealth, as where one man or the few have greater poſſeſſions than the equality or the frame of the commonwealth will bear, is an occaſion of ſedition, which ends, for the greater part, in monarchy; and that, for this cauſe, the oſtraciſm has been received in divers places, as in Argos and Athens; but that it were better to prevent the growth in the beginning, than, when it has got head, to ſeek the remedy of ſuch an evil.

Machiavel, not perceiving that if a commonwealth be galled by the gentry, it is by their

over-balance, ſpeaks of the gentry as hoſtile to popular governments, and of popular governments as hoſtile to the gentry; which can never be proved by any one example, unleſs in civil war; ſeeing that, even in Switzerland, the gentry are not only ſafe, but in honour. But the balance, as I have laid it down, though unſeen by Machiavel, is that which interprets him, where he concludes, "That he who will go about to make a commonwealth where there be many gentlemen, unleſs he firſt deſtroys them, undertakes an impoſſibility. And that he who goes about to introduce monarchy, where the condition of the people is equal, ſhall never bring it to paſs, unleſs he cull out ſuch of them as are the moſt turbulent and ambitious, and make them gentlemen or noblemen, not in name, but in effect; that is, by enriching them with lands, caſtles, and treaſures, that may gain them power among the reſt, and bring in the reſt to dependence upon them; to the end that they, maintaining their ambition by the prince, the prince may maintain his power by them."

Wherefore, as in this place I agree with Machiavel, that a nobility, or gentry, over-balancing a popular government, is the utter bane and deſtruction of it, ſo I ſhall ſhew in another, that a nobility or gentry, in a popular government, not over-balancing it, is the very life and ſoul of it.

The public ſword, or right of the militia, be the government what it will, or let it change how it can, is inſeparable from the over-balance in dominion.

HARRINGTON'S PREROGATIVE OF POPULAR GOVERNMEMT, c. iii. p. 226.

The balance of dominion in land is the natural cauſe of empire; and this is the principle which makes politics a ſcience undeniable throughout, and the moſt demonſtrable of any whatever. —If a man, having one hundred pounds a year, may keep one ſervant, or have one man at his command, then, having one hundred times ſo much, he may keep one hundred ſervants; and this multiplied by a thouſand, he may have one hundred thouſand men at his command.—Now that the ſingle perſon, or nobility, of any country in Europe, that had but half ſo many men at command, would be king or prince, is that which I think no man can doubt. But, "No money, "no Swiſs."—The reaſon why a ſingle perſon, or the nobility, that has one hundred thouſand men, or half ſo many, at command, will have the government, is, that the eſtate in land, whereby they are able to maintain ſo many, in any European territory, muſt over-balance the reſt that remains to the people, at leaſt three parts in four. Now, for the ſame reaſon, if the people hold three parts in four of the territory, it is plain there can neither be any ſingle perſon or nobility able to diſpute the government with them. In this caſe, therefore, except force be interpoſed, they govern themſelves. So that by this computation of the balance of property or dominion in the land, you have, according to the three-fold foundation of property, the root or generation of the three-fold kind of government or empire. If one man be ſole landlord of a territory, or over-balance the whole people, three parts in four, or thereabouts, he is grand ſeignior; for ſo the Turk, not from

his empire, but property, is called; and the empire, in this caſe, is abſolute monarchy. If the few, or a nobility, or a nobility with a clergy, be landlords to ſuch a proportion as over-balances the people in the like manner, they may make whom they pleaſe king; or, if they be not pleaſed with their king, down with him, and ſet up whom they like better; a Henry the fourth, or ſeventh, a Guiſe, a Montfort, a Nevil, or a Porter, ſhould they find that beſt for their own ends and purpoſes: for as not the balance of the king, but that of the nobility, in this caſe, is the cauſe of the government, ſo not the eſtate of the prince or captain, but his virtue or ability, or fitneſs for the ends of the nobility, acquires that command or office. This for ariſtocracy, or mixed monarchy. But if the whole people be landlords, or hold the lands ſo divided among them, that no one man or number of men, within the compaſs of the few, or ariſtocracy, over-balance them, it is a commonwealth. Such is the branch in the root, or the balance of property naturally producing empire.

Then follows a curious account of the laws in Iſrael againſt uſury, and in Lacedemon againſt trade, &c. which are well worth ſtudying.

Page 254.—That which introducing two eſtates cauſes diviſion, or makes a commonwealth unequal, is not that ſhe has a nobility, without which ſhe is deprived of her moſt ſpecial ornament, and weakened in her conduct, but when the nobility only is capable of magiſtracy, or of the ſenate; and where this is ſo ordered, ſhe is unequal, as Rome. But where the nobility is no otherwiſe capable of magiſtracy, nor of the ſenate, than by election of the people, the commonwealth conſiſts but of one order, and

is equal, as Lacedemon or Venice. Where the nobility holds half the property, or about that proportion, and the people the other half, the ſhares of the land may be equal; but in regard the nobility have much among few, and the people little among many, the few will not be contented to have authority, which is all their proper ſhare in a commonwealth, but will be bringing the people under power, which is not their proper ſhare in a commonwealth; wherefore this commonwealth muſt needs be unequal; and, except by altering the balance, as the Athenians did by the reciſion of debts, or as the Romans went about to do, by an Agrarian, it be brought to ſuch an equality, that the whole power be in the people, and there remain no more than authority in the nobility, there is no remedy, but the one, with perpetual feuds, will eat out the other, as the people did the nobility in Athens, and the nobility the people in Rome. Where the carcaſe is, there will be the eagles alſo; where the riches are, there will be the power: ſo if a few be as rich as all the reſt, a few will have as much power as all the reſt; in which caſe the commonwealth is unequal, and there can be no end of ſtaving and tailing till it be brought to equality.

The eſtates, be they one, or two, or three, are ſuch, as was ſaid by virtue of the balance upon which the government muſt naturally depend; exemplified in France, &c.

Page 256.—All government is of three kinds: a government of ſervants, a government of ſubjects, or a government of citizens. The firſt is abſolute monarchy, as that of Turkey; the ſecond, ariſtocratical monarchy, as that of France; the

third, a commonwealth, as Iſrael, Rome, Holland. Of theſe, the government of ſervants is harder to be conquered, and the eaſier to be held. The government of ſubjects is the eaſier to be conquered, and the harder to be held. The government of citizens is both the hardeſt to be conquered, and the hardeſt to be held.

The reaſon why a government of ſervants is hard to be conquered, is, that they are under a perpetual diſcipline and command. Why a government of ſubjects is eaſily conquered, is on account of the factions of the nobility.

The reaſons why a government of citizens, where the commonwealth is equal, is hardeſt to be conquered, are, that the invader of ſuch a ſociety muſt not only truſt to his own ſtrength, inaſmuch as, the commonwealth being equal, he muſt needs find them united; but in regard that ſuch citizens, being all ſoldiers, or trained up to their arms, which they uſe not for the defence of ſlavery, but of liberty, a condition not in this world to be bettered, they have, more ſpecially upon this occaſion, the higheſt ſoul of courage, and, if their territory be of any extent, the vaſteſt body of a well-diſciplined militia that is poſſible in nature: wherefore an example of ſuch a one, overcome by the arms of a monarch, is not to be found in the world.

In the Art of Law-giving, chap. i. he enlarges ſtill farther upon this ſubject, and inſtances Joſeph's purchaſe of all the lands of the Egyptians for Pharaoh, whereby they became ſervants to Pharaoh; and he enlarges on the Engliſh balance, &c.

In America, the balance is nine-tenths on the ſide of the people: indeed there is but one order; and

and our ſenators have influence chiefly by the principles of authority, and very little by thoſe of power; but this muſt be poſtponed.

LETTER XXX.

ANCIENT REPUBLICS, AND OPINIONS OF PHILOSOPHERS.

MY DEAR SIR,

MY deſign is more extenſive than barely to ſhew the imperfection of M. Turgot's idea. This might be done in a few words, and a very ſhort proceſs of reaſoning: but I wiſh to aſſemble together the opinions and reaſonings of philoſophers, politicians, and hiſtorians, who have taken the moſt extenſive views of men and ſocieties, whoſe characters are deſervedly revered, and whoſe writings were in the contemplation of thoſe who framed the American conſtitutions. It will not be conteſted, that all theſe characters are united in Polybius, who, in a fragment of his ſixth book, tranſlated by Edward Spelman, p. 391. at the end of his tranſlation of the Roman Antiquities of Dionyſius Hallicarnaſſenſis, ſays, "It is cuſtomary to eſtabliſh three ſorts of governments; kingly government, ariſtocracy, and democracy: upon which one may very properly aſk them, whether they lay theſe down as the only forms of government, or as the beſt? for in both caſes they ſeem to be in an error, ſince it is manifeſt,

manifeſt, that the beſt form of government is that which is *compounded of all three.*—This is founded not only in reaſon but in experience, Lycurgus having ſet the example of this form of government in the inſtitution of the Lacedemonian commonwealth."

Six kinds of government muſt be allowed: kingly government and monarchy, ariſtocracy and oligarchy, democracy, and the government of the multitude.

Lycurgus concluded, that every form of government that is ſimple, by ſoon degenerating into that vice that is allied to it, muſt be unſtable. The vice of kingly government is monarchy; that of ariſtocracy, oligarchy; that of democracy, rage and violence; into which, in proceſs of time, all of them muſt degenerate. Lycurgus, to avoid theſe inconveniences, formed his government not of one ſort, but united in one all the advantages and properties of the beſt government; to the end that no branch of it, by ſwelling beyond its due bounds, might degenerate into the vice which is congenial to it; and that, while each of them were mutually acted upon by *oppoſite powers*, no one part might incline any way, or *out-weigh* the reſt; but that the commonwealth, being equally *poiſed* and *balanced*, like a *ſhip* or a *waggon*, acted upon by *contrary powers*, might long remain in the ſame ſituation; while the king was reſtrained from exceſs by the fear of the people, who had a proper ſhare in the commonwealth; and, on the other ſide, the people did not dare to diſregard the king, from their fear of the ſenate, who, being all elected for their virtue, would always incline to the juſteſt ſide; by which means, that branch which happened to be oppreſſed became always ſuperior, and, by the acceſſional weight of the ſenate, *out-*

balanced

balanced the other.—This ſyſtem preſerved the Lacedemonians in liberty longer than any other people we have heard of ever enjoyed it.

All the three principal orders of government were found in the Roman commonwealth; every thing was conſtituted and adminiſtered with that equality and propriety by theſe three, that it was not poſſible, even for a Roman citizen, to aſſert poſitively, whether the government, in the whole, was ariſtocratical, democratical, or monarchical: for when we caſt our eyes on the power of the conſuls, the government appeared entirely monarchical and kingly; when on that of the ſenate, ariſtocratical; and when any one conſidered the power of the people, it appeared plainly democratical.

The conſuls, when they are at Rome, and before they take the field, have the adminiſtration of all public affairs; for all other magiſtrates obey them, except the tribunes of the people: they introduce ambaſſadors into the ſenate; they alſo propoſe to the ſenate thoſe ſubjects of debate that require immediate diſpatch; and are ſolely entruſted with the execution of the decrees: to them belongs the conſideration of all public affairs of which the people have cognizance, whom they are to aſſemble upon all occaſions, and lay before them the decrees of the ſenate, then purſue the reſolutions of the majority. They have almoſt an abſolute power in every thing that relates either to the preparations of war, or to the conduct of it in the field; for they may give what orders they pleaſe to their allies, and appoint the tribunes; they may raiſe forces, and enliſt thoſe who are proper for the ſervice: they alſo have a power, when in the field, of puniſhing any who ſerve under them; and of expending as much as they

pleaſe

pleaſe of the public money, being always attended by a quæſtor for that purpoſe, whoſe duty it is to yield a ready obedience to all their commands. So that whoever caſts his eyes on this branch, may with reaſon affirm, that the government is merely monarchical and kingly.

The ſenate have, in the firſt place, the command of the public money: for they have the conduct of all receipts and diſburſements; ſince the quæſtors cannot iſſue money for any particular ſervice without a decree of the ſenate, except thoſe ſums they pay by the direction of the conſuls.

It has the power over all diſburſements made by the cenſors, every fifth year, in erecting and repairing public buildings;--takes cognizance of all crimes committed in Italy, ſuch as treaſons, conſpiracies, poiſonings, and aſſaſſinations;—ſends embaſſies out of Italy to reconcile differences, uſe exhortations, ſignify commands, admit alliances, or declare war;—determines, when ambaſſadors come to Rome, in what manner they are to be treated, and the anſwer to be given them. For theſe reaſons, when a foreigner comes to Rome in the abſence of the conſuls, the government appears to him purely ariſtocratical.

There is ſtill a moſt conſiderable ſhare in the government left for the people. They only have the power of diſtributing honours and puniſhments, to which alone both monarchies and commonwealths, in a word, all human inſtitutions, owe their ſtability: for wherever the difference between rewards and puniſhments is not underſtood, or judiciouſly applied, there nothing can be properly adminiſtered, ſince the worthy and unworthy are equally honoured!

They often take cognizance of thoſe cauſes where the fine is conſiderable, if the criminals are perſons

perſons who have exerciſed great employments; and in capital caſes they alone have juriſdiction; and a cuſtom prevails with them, to give thoſe who are tried for their lives a power of departing openly to voluntary baniſhment.

They have the power of conferring the magiſtracy upon thoſe they think worthy of it, which is the moſt honourable reward of merit any government can beſtow.

They have the power of rejecting and confirming laws, and determine concerning peace and war, alliances, accommodations, and conventions.

So that, from hence again, one may with reaſon aſſert, that the people have the greateſt ſhare in the government, and that the commonwealth is democratical.

Theſe orders, into which the commonwealth is divided, have the power to oppoſe, aſſiſt, and balance each other, as occaſion may require.

Though the conſul at the head of his army in the field, ſeems to have an abſolute power to carry every thing he propoſes into execution, yet he ſtill ſtands in need of the people and ſenate, and without their aſſiſtance can effect nothing; for neither corn, clothes, nor pay, can be furniſhed to the army without the conſent of the ſenate; who have alſo the power of ſending another general to ſucceed him, as ſoon as the year is expired, or of continuing him in the command. Again, they may either magnify and extol, or obſcure and extenuate, the victories of the generals; for theſe cannot celebrate their triumphs unleſs the ſenate conſents to it, and furniſhes the neceſſary expence.

As the power of putting an end to the war is in the *people*, the generals are under a neceſſity of having their approbation, who have the right of ratifying and annulling all accommodations and conven-

conventions. It is to the people that the generals, after the expiration of their command, give an account of their conduct: ſo that it is by no means ſafe for them to diſregard the favour either of the ſenate, or of the people.

The ſenate is under a neceſſity of ſhewing a regard to the people, and of aiming at their approbation; as not having the power to puniſh crimes of the firſt magnitude with death, unleſs the people confirm the previous decree: if a law is propoſed, by which part of the power of the ſenate is to be taken away, their dignities aboliſhed, or even their fortunes diminiſhed, the people have it in their power either to receive or reject it. If one of the tribunes of the people oppoſes the paſſing of a decree, the ſenate are ſo far from being able to enact it, that it is not even in their power to conſult or aſſemble at all. For all theſe reaſons, the ſenate ſtands in awe of the people.

The people alſo are ſubject to the power of the ſenate, and under an obligation of cultivating the good-will of all the ſenators, who have many opportunities both of prejudicing and advantaging individuals. Judges are appointed out of the ſenate in moſt cauſes that relate to contracts, public or private. There are many rivers, ports, gardens, mines, and lands, and many works relating to erecting and repairing public buildings, let out by the cenſors, under the care of the ſenate; all theſe are undertaken by the people; ſome are purchaſers, others partners, ſome ſureties for the contracts. All theſe things are under the controul of the ſenate, which has power to give time, to mitigate, and, if any thing has happened to render the performance of the contract impracticable, to cancel it. The people, thus dependent on the ſenate, and apprehending the uncertainty of the occaſions

occaſions in which they may ſtand in need of their favour, dare not reſiſt or oppoſe their will.

In like manner, they are not eaſily brought to obſtruct the deſigns of the conſuls, becauſe all of them in general, and every one in particular, become ſubject to their authority when in the field.

Such being the power of each order to hurt and aſſiſt each other, their union is adapted to all contingencies, and *it is impoſſible to invent a more perfect ſyſtem.* When the common fear of a foreign enemy compels them to act in concert, ſuch is the ſtrength of the government, that nothing neceſſary is omitted, or comes too late, ſince all vie with each other in directing their thoughts to the public good, and their endeavours to carry their deſigns into execution. The commonwealth, from the peculiar frame of it, becomes irreſiſtible, and attains whatever it propoſes.

When, in conſequence of victory, they live in proſperity and affluence, enjoying their good fortune free from the fear of a foreign enemy, they grow, through eaſe and flattery, inſolent and proud; their commonwealth is then chiefly obſerved to relieve itſelf: for when any branch of it becomes ambitious, and, ſwelling beyond its bounds, aims at unwarrantable power, being ſubject to the controul of the other two, it cannot run into any exceſs of power or arrogance; but all three muſt remain in the terms preſcribed by the conſtitution.

Thus, my dear Sir, you ſee that Polybius's opinion of different orders, checks, and balances, in a commonwealth, is very different from that of M. Turgot. The Roman conſtitution formed the nobleſt people, and the greateſt power that has ever exiſted. But if all the powers of the

conſuls,

conſuls, ſenate, and people, had been centered in a ſingle aſſembly of the people, collectively or repreſentatively, will any man pretend to believe that they would have been long free, or ever great?

The diſtribution of power was, however, never accurately or judiciouſly made in that conſtitution: the executive was never ſufficiently ſeparated from the legiſlative, nor had theſe powers a controul upon each other defined with ſufficient accuracy: the executive had not power to interpoſe and decide between the people and the ſenate.

As we advance in this correſpondence, we may ſee cauſe to differ widely from the judgement of Polybius, "*that it is impoſſible to invent a more perfect ſyſtem of government.*" We may be convinced that the conſtitution of England, if its balance is ſeen to play, in practice, according to the principles of its theory—that is to ſay, if the people are fairly and fully repreſented, ſo as to have the power of *dividing or chooſing*, of *drawing up hill or down*, inſtead of being diſpoſed of by a few lords—is a ſyſtem much more perfect. The conſtitutions of ſeveral of the United States, it is hoped, will prove themſelves improvements, both upon the Roman, the Spartan, and the Engliſh commonwealths.

LETTER

LETTER XXXI.

ANCIENT REPUBLICS, AND OPINIONS OF PHILOSOPHERS.

MY DEAR SIR,

THE generation and corruption of governments, which may in other words be called the progreſs and courſe of human paſſions in ſociety, are ſubjects which have engaged the attention of the greateſt writers; and whether the eſſays they have left us were copied from hiſtory, or wrought out of their own conjectures and reaſonings, they are very much to our purpoſe, to ſhew the utility and neceſſity of different *orders* of men, and of an *equilibrium* of powers and privileges. They demonſtrate the corruptibility of every ſpecies of ſimple government, by which I mean a power without a check, whether in one, a few, or many. It might be ſufficient to ſhew this tendency in ſimple democracy alone, for ſuch is the government of one aſſembly, whether of the people collectively or repreſentatively: but as the generation and corruption of all kinds of government have a ſimilitude with one another, and proceed from the ſame qualities in human nature, it will throw the more light upon our ſubject, the more particularly we examine it. I ſhall confine myſelf chiefly to Plato, Polybius, and your nameſake, Sir Thomas Smith.

Polybius thinks it manifeſt, both from reaſon and experience, that the beſt form of government is not ſimple, but compounded, becauſe of the

tendency of each of the ſimple forms to degenerate; even democracy, in which it is an eſtabliſhed cuſtom to worſhip the gods, honour their parents, reſpect the elders, and *obey the laws*, has a ſtrong tendency to change into a government where the multitude have a power of doing whatever they deſire, and where inſolence and contempt of parents, elders, gods, and laws, ſoon ſucceed.

From whence do governments originally ſpring? From the weakneſs of men, and the conſequent neceſſity to aſſociate, and he who excels in ſtrength and courage, gains the command and authority over the reſt; as among inferior animals, who are not influenced by opinion, the ſtrongeſt are, by common conſent, allowed to be maſters. This is monarchy. But when the nation, by living together, acquires ſome tincture of honour and juſtice, gratitude, duty, and their oppoſites, and the monarch countenances theſe moral qualities, and treats every one according to his merit, they are no longer afraid of violence, but ſubmit to him, and unite in ſupporting his government, although he may again become weak and advanced in years. By this means a monarch inſenſibly becomes a king, that is, when the power is transferred from courage and ſtrength to reaſon. This is the origin of true *kingly government*, for the people preſerve the command, not only to them, but to their deſcendants, being perſuaded, that thoſe who have received their birth and education from ſuch men will reſemble them in their principles. But if they are diſſatisfied with their deſcendants, they then chooſe magiſtrates and kings, with regard only to ſuperior ſenſe and reaſon, and not to ſtrength and courage; having by experience been convinced of the difference between them. Thoſe who were once choſen and inveſted with the royal

dignity,

dignity, grew old in the enjoyment of it, poſſeſſed themſelves of a territory, ſurrounded it with walls, and fortified advantageous poſts: thus conſulting the ſecurity of their ſubjects, and ſupplying them with plenty of proviſions, differing little in their clothes or tables from the people with whom they paſſed their lives, they continued blameleſs and unenvied. But their poſterity, ſucceeding to the government by right of inheritance, and finding every thing provided for ſecurity and ſupport, they were led by ſuperfluity to indulge their appetites, and to imagine that it became princes to appear in a different dreſs, to eat in a more luxurious manner, and enjoy, without contradiction, the forbidden pleaſures of love. The firſt produced envy, the other reſentment and hatred. By which means kingly government degenerated into tyranny.

At the ſame time a foundation was laid, and a conſpiracy formed, for the deſtruction of thoſe who exerciſed it; the accomplices of which were not men of inferior rank, but perſons of the moſt generous, exalted, and enterprizing ſpirit; for ſuch men can leaſt bear the inſolence of thoſe in power. The people, having theſe to lead them, and uniting againſt their rulers, kingly government and monarchy were extirpated, and ariſtocracy began to be eſtabliſhed, for the people, as an immediate acknowledgement to thoſe who had deſtroyed monarchy, choſe theſe leaders for their governors, and left all their concerns to them.

Theſe, at firſt, preferred the advantage of the public to all other conſiderations, and adminiſtered all affairs, both public and private, with care and vigilance. But their ſons having ſucceeded them in the ſame power, unacquainted with evils, ſtrangers to civil equality and liberty, educated from

their infancy in the ſplendour of the power and dignities of their parents, ſome giving themſelves up to avarice, others to intemperance, and others to the abuſe of women, by this behaviour changed *the ariſtocracy into an oligarchy.*

Their cataſtrophe became the ſame with that of the *tyrants*; for if any perſon, obſerving the general envy and hatred which theſe rulers have incurred, has the courage to ſay or do any thing againſt them, he finds the whole body of the people inſpired with the ſame paſſions they were before poſſeſſed with againſt the tyrant, and ready to aſſiſt him. Thereupon they put ſome of them to death, and baniſh others; but dare not, after that, appoint a king to govern them, being ſtill afraid of the injuſtice of the firſt; neither dare they entruſt the government with any number of men, having ſtill before their eyes the errors which thoſe had before committed: ſo that having no hope, but in themſelves, they convert the government from an *oligarchy to a democracy*, and take upon themſelves the care and charge of public affairs.

And as long as any are living, who felt the power and dominion of the *few*, they acquieſce under the preſent eſtabliſhment, and look upon equality and liberty as the greateſt of bleſſings. But when a new race of men grow up, theſe, no longer regarding equality and liberty, from being accuſtomed to them, aim at a greater ſhare of power than the reſt, particularly thoſe of the greateſt fortunes, who, grown now ambitious, and being unable to obtain the power they aim at by their own merit, diſſipate their wealth, by alluring and corrupting the people by every method; and when, to ſerve their wild ambition, they have once taught them to receive bribes and entertainments, from that moment the democracy is at an

end, and changes to force and violence. For the people, accuſtomed to live at the expence of others, and to place their hopes of a ſupport in the fortunes of their neighbours, if headed by a man of a great and enterprizing ſpirit, will then have recourſe to violence, and getting together, will murder, baniſh, and divide among themſelves the lands of their adverſaries, till, grown wild with rage, they again find a maſter and a monarch.

This is the rotation of governments, and this the order of nature, by which they are changed, transformed, and return to the ſame point of the circle.

Lycurgus obſerving that all this was founded on neceſſity and the laws of nature, concluded, that every form of government that is ſimple, by ſoon degenerating into that vice that is allied to it, and naturally attends it, muſt be unſtable. For as ruſt is the natural bane of iron, and worms of wood, by which they are ſure to be deſtroyed, ſo there is a certain vice implanted by the hand of nature in every ſimple form of government, and by her ordained to accompany it. The vice of kingly government is monarchy; that of ariſtocracy, oligarchy; and of democracy, *rage and violence*; into which all of them, in proceſs of time, muſt neceſſarily degenerate. To avoid which Lycurgus united in one all the advantages of the beſt governments, to the end that no branch of it, by ſwelling beyond its bounds, might degenerate into the vice that is congenial to it, and that, while each was mutually acted upon by *oppoſite powers*, no one part might outweigh the reſt. The Romans arrived at the ſame end by the ſame means.

Polybius, you perceive, my dear Sir, is more charitable in his repreſentation of human nature

than Hobbes, Mandeville, Rochefoucault, Machiavel, Beccaria, Rouſſeau, De Lolme, or even than our friend Dr. Price. He candidly ſuppoſes, that the firſt kingly government will be wiſely and honeſtly adminiſtered during the life of the father of his people; that the firſt ariſtocracy will be conducted with caution and moderation, by the band of patriots to whom is due the glory of the expulſion of the tyrant; and that the people, for a generation at leaſt, who have depoſed the oligarchy, will behave with decorum.

But perhaps it might be more exactly true and natural to ſay, that the king, the ariſtocracy, and the people, as ſoon as ever they felt themſelves ſecure in the poſſeſſion of their power, would begin to abuſe it.

In M. Turgot's ſingle aſſembly, thoſe who ſhould think themſelves moſt diſtinguiſhed by blood and education, as well as fortune, would be moſt ambitious; and if they found an oppoſition among their conſtituents to their elections, would immediately have recourſe to entertainments, ſecret intrigues, and every popular art, and even to bribes, to increaſe their parties. This would oblige their competitors, though they might be infinitely better men, either to give up their pretenſions, or to imitate theſe dangerous practices. There is a natural and unchangeable inconvenience in all popular elections. There are always competitions, and the candidates have often merits nearly equal. The virtuous and independent electors are often divided: this naturally cauſes too much attention to the moſt profligate and unprincipled, who will ſell or give away their votes for other conſiderations than wiſdom and virtue. So that he who has the deepeſt purſe, or the feweſt ſcruples about uſing it, will generally prevail.

It

It is from the natural ariſtocracy in a ſingle aſſembly that the firſt danger is to be apprehended in the preſent ſtate of manners in America; and with a balance of landed property in the hands of the people, ſo decided in their favour, the progreſs to degeneracy, corruption, rage, and violence, might not be very rapid; nevertheleſs it would begin with the firſt elections, and grow faſter or ſlower every year.

Rage and violence would ſoon appear in the aſſembly, and from thence be communicated among the people at large.

The only remedy is to throw the rich and the proud into one group, in a ſeparate aſſembly, and there tie their hands; if you give them ſcope with the people at large, or their repreſentatives, they will deſtroy *all equality and liberty, with the conſent and acclamations of the people themſelves.* They will have much more power, mixed with the repreſentatives, than ſeparated from them. In the firſt caſe, if they unite, they will give the law, and govern all; if they differ, they will divide the ſtate, and go to a deciſion by force. By placing them alone by themſelves, the ſociety avails itſelf of all their abilities and virtues; they become a ſolid check to the repreſentatives themſelves, as well as to the executive power, and you diſarm them entirely of the power to do miſchief.

LETTER XXXII.

ANCIENT REPUBLICS, AND OPINIONS OF PHILOSOPHERS.

DEAR SIR,

DIONYSIUS Halicarnaſſenſis, in his ſeventh book, has given us an excellent ſpeech in the ſenate, made by Manlius Valerius, a man venerable for his age and wiſdom, and remarkable for his conſtant friendſhip for the people.

"If any of you, fathers! alarmed with an apprehenſion that you will introduce a pernicious cuſtom into the commonwealth, if you grant the people a power of giving their ſuffrages againſt the patricians, and entertain an opinion that the tribunitian power, if conſiderably ſtrengthened, will prove of no advantage, let them learn, that their opinion is erroneous, and their imagination contrary to ſound reaſoning: for if any meaſure can tend to preſerve this commonwealth, to aſſure both her liberty and power, and to eſtabliſh a perpetual union and harmony in all things, the moſt effectual will be to give the people a ſhare in the government: and the moſt advantageous thing to us will be, not to have a ſimple and unmixed form of government; neither a monarchy, an oligarchy, nor a democracy, but a conſtitution tempered with all of them; for each of theſe forms, when ſimple, very eaſily deviates into abuſe and exceſs; but when all of them are *equally* mixed, that part which happens to innovate, and to exceed the cuſtomary bounds, is always reſtrained by another that is ſober, and adheres to the eſtabliſhed order.

order.—Thus monarchy, when it becomes cruel and inſolent, and begins to purſue tyrannical meaſures, is ſubverted by an oligarchy, conſiſting of good men; and an oligarchy, compoſed of the beſt men, which is your form of government, when elated with riches and dependants, pays no regard to juſtice, or to any other virtue, and is deſtroyed by a wiſe people; and in a democracy, when the people, from being modeſt in their deportment, and obſervant of the laws, begin to run into diſorders and exceſſes, they are forced to return to their duty by the power with which, upon thoſe occaſions, the beſt men of the commonwealth is inveſted. You, fathers, have uſed all poſſible precautions to prevent monarchical power from degenerating into tyranny; for, inſtead of a ſingle perſon, you have inveſted two with the ſupreme power; and though you committed this magiſtracy to them, not for an indefinite time, but only for a year, you nevertheleſs appointed three hundred patricians, the moſt reſpectable, both for their virtue and their age, of whom this ſenate is compoſed, to watch over their conduct; but you do not ſeem hitherto to have appointed any to watch over your own, and to keep you within proper bounds. As for yourſelves, I am as yet under no apprehenſions, leſt you ſhould ſuffer your minds to be corrupted by great and accumulated proſperity, who have lately delivered your country from a long tyranny; and, through continual and laſting wars, have not as yet had leiſure to grow inſolent and luxurious. But with regard to your ſucceſſors, when I conſider how great alterations length of time brings with it, I am afraid, leſt the men of power in the ſenate ſhould innovate, and ſilently tranſform our conſtitution to a monarchical tyranny: whereas,

whereas, if you admit the people to a ſhare in the government, no miſchief can ſpring from the ſenate; but the man who aims at greater power than the reſt of his fellow citizens, and has formed a faction in the ſenate, of all who are willing to partake of his counſel and his crimes (for thoſe who deliberate concerning public affairs ought to foreſee every thing that is probable) this great, this awful perſon, I ſay, when called by the tribunes to appear before the people, muſt give an account both of his actions and thoughts to this people, inconſiderable as they are, and ſo much his inferiors; and, if found guilty, ſuffer the puniſhment he deſerves: and, leſt the people themſelves, when veſted with ſo great a power, ſhould grow wanton, and, ſeduced by the worſt of demagogues, become dangerous to the beſt of citizens, (for the multitude generally give birth to tyranny) ſome perſon of conſummate prudence, created dictator by yourſelves, will guard againſt this evil, and not allow them to run into exceſs; and being inveſted with abſolute power, and ſubject to no account, will cut off the infected part of the commonwealth, and not ſuffer that which is not yet infected to be vitiated, reform the laws, excite the citizens to virtue, and appoint ſuch magiſtrates as he thinks will govern with the greateſt prudence: and having effected theſe things within the ſpace of ſix months, he will again become a private man, without receiving any other reward for theſe actions, than that of being honoured for having performed them. Induced, therefore, by theſe conſiderations, and convinced that this is the moſt perfect form of government, debar the people from nothing; but as you have granted them a power of chooſing the annual magiſtrates, who are to preſide over

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the commonwealth, of confirming and repealing laws, of declaring war, and making peace, which are the greateſt and moſt important affairs that come under the conſideration of our government, not one of which you have ſubmitted to the abſolute determination of the ſenate, allow them, in like manner, the power of trying offenders, particularly ſuch as are accuſed of crimes againſt the ſtate, of raiſing a ſedition, of aiming at tyranny, of concerting meaſures with our enemies to betray the commonwealth, or of any other crimes of the like nature; for the more formidable you render the tranſgreſſion of the laws, and the alteration of diſcipline, by appointing many inſpectors, and many guards over the inſolent and the ambitious, the more will your conſtitution be improved."

It is ſurpriſing that Valerius ſhould talk of an equal mixture of monarchical, ariſtocratical, and democratical powers, in a commonwealth where they were ſo unequally mixed as they were in Rome. There can be no equal mixture without a negative in each branch of the legiſlature. But one example of an equal mixture has ever exiſted in Europe, and that is in England. The conſuls in Rome had no negative: the people had a negative, but a very unequal one, becauſe they had not the ſame time and opportunity for cool deliberation. The appointment of tribunes was a very inadequate remedy. What match for a Roman ſenate was a ſingle magiſtrate ſeated among them? his abilities could not be equal; his firmneſs could not be always depended on: but what is worſe, he was liable to be intimidated, flattered, and bribed. It is really aſtoniſhing, that ſuch people as Greeks and Romans ſhould ever have thought four or five ephori, or a ſingle tribune,

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or a college of ten tribunes, an adequate repreſentation of themſelves. If Valerius had propoſed, that the conſul ſhould have been made an integral part of the legiſlature, and that the Roman people ſhould chooſe another council of two or three hundred, equally repreſenting them, to be another integral part, he would then have ſeen, that the appointment of a dictator could never in any caſe become neceſſary.

LETTER XXXIII.

ANCIENT REPUBLICS, AND OPINIONS OF PHILOSOPHERS.

PLATO.

MY DEAR SIR,

PLATO has given us the moſt accurate detail of the natural viciſſitudes of manners and principles, the uſual progreſs of the paſſions in ſociety, and revolutions of governments into one another.

In the fourth book of his Republic, he deſcribes his perfect commonwealth, where kings are philoſophers, and philoſophers kings: where the whole city might be in the happieſt condition, and not any one tribe remarkably happy beyond the reſt: in one word, where the *laws govern*, and juſtice is eſtabliſhed: where the guardians of the laws are ſuch in reality, and preſerve the conſtitution, inſtead of deſtroying it, and promote the happineſs of the whole city, not their own particularly; where the ſtate is one, not many; where there

there are no parties of the poor and the rich at war with each other: where, if any deſcendant of the guardians be vicious, he is diſmiſſed to the other claſſes; and if any deſcendant of the others be worthy, he is raiſed to the rank of the guardians: where education, the grand point to be attended to, produces good geniuſes, and good geniuſes, partaking of ſuch education, produce ſtill better than the former: where the children, receiving from their infancy an education agreeable to the laws of the conſtitution, grow up to be worthy men, and obſervant of the laws: where the ſyſtem, both of laws and education, is contrived to produce the virtues of fortitude, temperance, wiſdom, and juſtice, in the whole city, and in all the individual citizens: where, if among the rulers, or guardians of the laws, there be one ſurpaſſing the reſt, it may be called a monarchy, or kingly government; if there be ſeveral, an ariſtocracy.

Although there is but one principle of virtue, thoſe of vice are infinite; of which there are four which deſerve to be mentioned. There are as many ſpecies of ſoul as there are of republics: five of each. That which is above deſcribed is one.

In the eighth book of his Republic he deſcribes the other four, and the revolutions from one to another. The firſt he calls the Cretan, or Spartan, or the ambitious republic; the ſecond, oligarchy; the third, democracy; and the fourth, tyranny, the laſt diſeaſe of a city.

As republics are generated by the manners of the people, to which, as into a current, all other things are drawn, of neceſſity there muſt be as many ſpecies of men as of republics. We have already, in the fourth book, gone over that which we have pronounced to be good and juſt. We

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are now to go over the contentious and ambitious man, who is formed according to the Spartan republic; and then, him reſembling an oligarchy; then the democratic; and then the tyrannic man, that we may contemplate the moſt unjuſt man; and ſet him in oppoſition to the moſt juſt, that our inquiry may be completed! The ambitious republic is firſt to be conſidered: it is indeed difficult for a city in this manner conſtituted, i. e. like Sparta, to be changed; but *as every thing which is generated is liable to corruption, even ſuch a conſtitution as this will not remain for ever, but be diſſolved.* (I ſhall paſs over all the aſtrological and myſtical whimſies which we meet with ſo often in Plato, interſperſed among the moſt ſublime wiſdom and profound knowledge, and inſert only what is intelligible.) The amount of what he ſays in this place about numbers and muſic, is, that miſtakes will inſenſibly be made in the choice of perſons for guardians of the laws; and by theſe guardians, in the rewards and promotion of merit. They will not always expertly diſtinguiſh the ſeveral ſpecies of geniuſes, the golden, the ſilver, the brazen, and the iron. Whilſt iron ſhall be mixed with ſilver, and braſs with gold, diſſimilitude and diſcord ariſe, and generate war, and enmity, and ſedition. When ſedition is riſen, two of the ſpecies of geniuſes, the iron and brazen, will be carried away after gain, and the acquiſition of land and houſes, gold and ſilver. But the golden and ſilver geniuſes, as they are not in want, but naturally rich, will lead the ſoul towards virtue and the original conſtitution. Thus divided, drawing contrary ways, and living in a violent manner, will not this republic be in the middle, between ariſtocracy and oligarchy, imitating, in ſome things, the former republic, and in others, oligarchy? They will honour

their rulers; their military will abſtain from agriculture and mechanic arts; they will have common meals, gymnaſtic exerciſes, and conteſts of war, as in the former republic; but they will be afraid to bring wiſe men into the magiſtracy, becauſe they have no longer any ſuch as are truly ſimple and inflexible, but ſuch as are of a mixed kind, more forward and rough, more fitted by their natural genius for war than peace, eſteeming tricks and ſtratagems; ſuch as theſe ſhall deſire wealth and hoard up gold and ſilver, as thoſe who live in oligarchies. While they ſpare their own, they will love to ſquander the ſubſtance of others upon their pleaſures: they will fly from the law, as children from a father, who have been educated not by perſuaſion but by force. Such a republic, mixed of good and ill, will be moſt remarkable for the prevalence of the contentious and ambitious ſpirit.

What now ſhall *the man* be, correſpondent to this republic? He will be arrogant and rough towards inferiors, mild towards equals, but extremely ſubmiſſive to governors; fond of dignity and the magiſtracy, but thinking that political management, and military performances, not eloquence, nor any ſuch thing, ſhould entitle him to them: while young he may deſpiſe money, but the older he grows, the more he will value it, becauſe he is of a covetous temper, and not ſincerely affected to virtue and reaſon. Such an ambitious youth reſembles ſuch a city, and is formed ſomehow in this manner:—His father, a worthy man, in an ill-regulated city, ſhuns honours, and magiſtracies, and law-ſuits, and all public buſineſs, that, as he can do no good, he may have no trouble. The ſon hears his mother venting her indignation, and complaining that

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ſhe is neglected among other women, becauſe her huſband is not in the magiſtracy, nor attentive to the making of money; that he is unmanly and remiſs, and ſuch other things as wives are apt to cant over concerning ſuch huſbands. The domeſtics, too, privately ſay the ſame things to the ſons, ſtimulating them to be more of men than their father, and more attentive to their money. When they go abroad they hear the ſame things, and ſee that thoſe who mind their own affairs are called ſimple, and ſuch as mind not their affairs are commended. The young man comparing the conduct, ſpeeches, and purſuits of his father with thoſe of other men, the one watering the rational part of his ſoul, and the others the concupiſcible and iraſcible, he delivers up the government within himſelf to a middle power, that which is iraſcible and fond of contention, and ſo he becomes a haughty and ambitious man.—We have now the ſecond republic, and the ſecond man.

This ſecond republic will be ſucceeded by oligarchy, founded on men's valuations, in which the rich bear rule, and the poor have no ſhare in the government. The change from the ambitious republic to oligarchy is made by that treaſury which every one has filled with gold: for firſt of all they and their wives find out methods of expence, and to this purpoſe ſtrain and diſobey the laws; one obſerving and rivalling another, the generality become of this kind; and proceeding to greater deſires of making money, the more honourable they account this to be, the more will virtue be thought diſhonourable. Virtue is ſo different from wealth, that they always weigh againſt each other. Whilſt wealth and the wealthy are held in honour in the city, both virtue and the good muſt be more diſhonoured, and what is

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honoured is purſued, and what is diſhonoured is neglected. Inſtead then of ambitious men, they will become lovers of gain. The rich they praiſe and admire, and bring into the magiſtracy, but the poor man they deſpiſe. They then make laws, marking out the boundary of the conſtitution, and regulating the quantity of oligarchic power, according to the quantity of wealth; more to the more wealthy, and leſs to the leſs: ſo that he who hath not the valuation ſettled by law, is to have no ſhare in the government. What think you of this conſtitution? If we ſhould appoint pilots according to their valuation, but never entruſt a ſhip with a poor man, though better ſkilled in his art, we ſhould make very bad navigation.—Again, ſuch a city is not one, but of neceſſity two; one, conſiſting of the poor, and the other of the rich, dwelling in one place, and always plotting againſt one another. They are, moreover, incapable to wage war, becauſe of the neceſſity they are under, either of employing the armed multitude, and of dreading them more than the enemy, or to appear in battle, truly oligarchic, and at the ſame time be unwilling to advance money for the public ſervice, through a natural diſpoſition of covetouſneſs.

In ſuch a government almoſt all are poor, except the governors; and where there are poor, there are ſomewhere concealed thieves, and purſe-cutters, and ſacrilegious perſons, and workers of all other evils: theſe the magiſtracy with diligence and force reſtrains; theſe are drones in a city with dangerous ſtings.

This is oligarchy. Now let us conſider the man who reſembles it. The change from the ambitious to the oligarchic man is chiefly in this man-

ner:—The ambitious man has a ſon, who emulates his father, and follows his ſteps; afterwards he daſhes on the city, as on a rock, waſting his ſubſtance in the office of a general, or ſome other principal magiſtracy; then falling into courts of juſtice, deſtroyed by ſycophants, ſtripped of his dignities, diſgraced, and loſing all his ſubſtance. When he has thus ſuffered, and loſt his ſubſtance, in a terror he puſhes headlong from the throne of his ſoul that ambitious diſpoſition; and, being humbled by his poverty, turns to the making of money, lives ſparingly and meanly, and applying to work, ſcrapes together ſubſtance. He then ſeats in that throne the avaricious diſpoſition, and makes it a mighty king within himſelf, decked out with Perſian crowns, bracelets, and ſcepters. Having placed the virtuous and ambitious diſpoſition low on the ground, he reaſons on nothing but how leſſer ſubſtance ſhall be made greater, admires and honours nothing but riches and rich people. This is the change from an ambitious youth to a covetous one, and this is the oligarchic man.

Democracy is next to be conſidered, in what manner it ariſes, and what kind of man it produces when ariſen. The change from oligarchy to democracy is produced through the inſatiable deſire of becoming as rich as poſſible. As thoſe who are governors in it, govern on account of their poſſeſſing great riches, they will be unwilling to reſtrain by law ſuch of the youth as are diſſolute, from having the liberty of ſquandering and waſting their ſubſtance; that ſo, by purchaſing the ſubſtance of ſuch perſons, and lending them on uſury, they may ſtill become richer, and be held in greater honour. While they neglect education, and ſuffer the youth to grow licentious, they

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ſometimes lay under a neceſſity of becoming poor, ſuch as are of no ungenerous diſpoſition: theſe ſit in the city, ſome of them in debt, others in contempt, hating and conſpiring againſt thoſe who poſſeſs their ſubſtance, and with others very deſirous of a change. But the money-catchers, ſtill brooding over it, and drawing to themſelves exorbitant uſury, fill the city with drones and poor. They neglect every thing but making of money, and make no more account of virtue than the poor do. When theſe governors and their ſubjects meet on the road, at public ſhows, in military marches, as fellow ſoldiers or ſailors, or in common dangers, the poor are by no means contemned by the rich. A robuſt fellow, poor and ſun-burnt, beſide a rich man, bred up in the ſhade, ſwoln with fleſh, and panting for breath, and in agony in battle, thinks it is through his own and his fellows fault that ſuch men grow rich, and ſays, Our rich men are good for nothing. The city ſoon grows into ſedition between the oligarchic and democratic parties; and the poor prevailing over the rich, kill ſome and baniſh others, and ſhare the places in the republic, and the magiſtracies, equally among the remainder, and for the moſt part the magiſtracies are diſpoſed in it by lot. In what manner do theſe live, and what ſort of republic is this? A democracy. The city is full of all freedom of action and ſpeech, and liberty to do in it what any one inclines: every one will regulate his own method of life in whatever way he pleaſes. In ſuch a republic will ariſe men of all kinds. This is the fineſt of all republics, variegated like a robe with all kinds of flowers, and diverſified with all ſorts of manners. The multitude, it is likely, judge this republic the beſt, like children and women gazing

at variegated things. In truth, it contains all kinds of republics, and it appears neceſſary for any one, who wants to conſtitute a city, as we do at preſent, to come to a democratic city, as to a general fair of republics, and chooſe the form that he fancies: he will not be in want of models. Is not this a ſweet and divine manner of life for the preſent? To be under no neceſſity to govern, although you were able to govern; nor to be ſubject, unleſs you incline; nor to be engaged in war when others are; nor to live in peace when others do ſo, unleſs you be deſirous of peace; and though there be a law reſtraining you from governing or adminiſtering juſtice, to govern nevertheleſs, and adminiſter juſtice if you incline. Have you not obſerved, in ſuch a republic, men condemned to death or baniſhment, continuing ſtill, or returning like heroes, and walking up and down openly, as if no one obſerved them? Is not this indulgence of the city very generous, in magnificently deſpiſing all care of education and diſcipline, and in not regarding from what ſort of purſuits one comes to act in public affairs, but honouring him, if he only ſay he is well-affected towards the multitude? Theſe things, and ſuch as theſe, are to be found in a democracy; and it would be a pleaſant ſort of republic, anarchical and variegated, diſtributing a certain equality to all alike without diſtinction.

Let us conſider now the character of a democratical man, and how he ariſes out of that parſimonious one who, under the oligarchy, was trained up by his father in his manners. Such a one by force governs his own pleaſures, which are expenſive, and tend not to making money, and are called unneceſſary. Eating, ſo far as conduces to preſerve life, health, and a good habit of body, is a plea-

pleaſure of the neceſſary kind: but the deſire of theſe things beyond theſe purpoſes, is capable of being curbed in youth; and, being hurtful to the body and to the ſoul, with reference to her attaining wiſdom and temperance, may be called unneceſſary: in the ſame manner we ſhall ſay of venereal deſires, and others. We juſt now denominated a drone, the man who was full of ſuch deſires and pleaſures; but the oligarchic man, him who was under the neceſſary ones. The democratic appears to ariſe from the oligarchic man in this manner: When a young man, bred up without proper inſtruction, and in a parſimonious manner, comes to taſte the honey of the drones, and aſſociates with thoſe vehement and terrible creatures, who are able to procure pleaſures every way diverſified from every quarter; thence imagine there is the beginning of a change in him from the oligarchic to the democratic. And as the city was changed by the aſſiſtance of an alliance from without, with one party of it with which it was of kin, ſhall not the youth be changed in the ſame manner by the aſſiſtance of one ſpecies of deſires from without, to another within him which reſembles it, and is akin to it? By all means. If any aſſiſtance be given to the oligarchic party within him by his father, or the others of his family, admoniſhing and upbraiding him, then truly ariſes ſedition and oppoſition, and a fight within him with himſelf. Sometimes the democratic party yields to the oligarchic; ſome of the deſires are deſtroyed, others retire, on the riſe of a certain modeſty in the ſoul of the youth, and he is again rendered ſomewhat decent. Again, when ſome deſires retire, there are others akin to them, which grow up, and through attention to the father's inſtructions, become both many and powerful,

draw towards intimacies among themſelves, and generate a multitude, ſeize the citadel of the ſoul of the youth, finding it evacuated of noble learning and purſuits, and of true reaſoning, which are the beſt watchmen and guardians in the underſtandings of men beloved of the gods; and then falſe and boaſting reaſonings and opinions, ruſhing up in their ſtead, poſſeſs the ſame place in ſuch a one. Theſe falſe and boaſting reaſonings, denominating modeſty to be ſtupidity; temperance, unmanlineſs; moderation, ruſticity; decent expence, illiberality; thruſt them all out diſgracefully, and expel them their territories, and lead in, in triumph, inſolence and anarchy, and luxury and impudence, with encomiums and applauſes, ſhining with a great retinue, and crowned with crowns. Inſolence they denominate education; anarchy, liberty; luxury, magnificence; and impudence, manhood. In this manner, a youth, bred up with the neceſſary deſires, changes into the licentiouſneſs and remiſſneſs of the unneceſſary and unprofitable pleaſures; his life is not regulated by any order, but deeming it pleaſant, free, and happy, he puts all laws whatever on a level; like the city, he is fine and variegated, and many men and women too would deſire to imitate his life, as he hath in him a great many patterns of republics and of manners.

It remains, that we go over the moſt excellent republic, which is tyranny, and the moſt excellent man, who is the tyrant. The change is from democracy to tyranny, as from oligarchy to democracy. An inſatiable deſire of riches, and a neglect of other things, through attention to making money, deſtroys oligarchy; and an inſatiable thirſt of liberty deſtroys democracy. When a city is under a democracy, and is thirſting after liberty,

berty, and happens to have bad cup-bearers, and grows drunk with an unmixed draught of it, beyond what is neceſſary, it puniſhes even the governors, if they will not be entirely tame, and afford a deal of liberty, accuſing them as corrupted, and leaning towards oligarchy. Such as are obedient to magiſtrates are abuſed, as willing ſlaves, and good for nothing. Magiſtrates who reſemble ſubjects, and ſubjects who reſemble magiſtrates, are commended and honoured, both in public and private; in ſuch a city they of neceſſity ſoon go to the higheſt pitch of liberty, and this inbred anarchy deſcends into private families. The father reſembles the child, and is afraid of his ſons. The ſons accuſtom themſelves to reſemble the father, and neither revere nor ſtand in awe of their parents. Strangers are equalled with citizens. The teacher fears and flatters the ſcholars, and the ſcholars deſpiſe their teachers and tutors. The youth reſemble the more advanced in years, and rival them in words and deeds. The old men, ſitting down with the young, are full of merriment and pleaſantry, mimicking the youth, that they may not appear to be moroſe and deſpotic. The ſlaves are no leſs free than thoſe who purchaſe them; and wives have a perfect equality and liberty with their huſbands, and huſbands with their wives. The ſum of all theſe things, collected together, make the ſouls of the citizens ſo delicate, that if any one bring near to them any thing of ſlavery, they are filled with indignation, and cannot endure it; and at length *they regard not the laws*, written or unwritten, that no one whatever, by any manner of means, may become their maſter. This is that government ſo beautiful and youthful, whence tyranny ſprings. But any thing in exceſs, in animal or vegetable bodies,

in ſeaſons or in republics, is wont to occaſion a mighty change to the reverſe; and exceſſive liberty ſeems to change into nothing but exceſſive ſlavery, both with a private perſon and a city. Thus licentiouſneſs deſtroys the democracy. Out of no other republic is tyranny conſtituted but out of democracy; and out of the moſt exceſſive liberty, the greateſt and moſt ſavage ſlavery. The race of idle and profuſe men, one part of which was more brave, and were leaders, the other more cowardly, and followers, were compared to drones, ſome with ſtings, others with none. Theſe two ſpringing up in a republic, raiſe diſturbance, as phlegm and bile in a natural body. Let us divide a democratic city into three, as it really is; for one ſuch ſpecies as the above grows through licentiouſneſs in it, no leſs than in the oligarchic, but is much more fierce: in oligarchy, becauſe it is not in places of honour, but is debared from the magiſtracies, it is unexerciſed, and does not become ſtrong; but in a democracy this is the preſiding party, excepting a few; and now it ſays and does the moſt outrageous things. Some other party is now always ſeparated from the multitude; and while the whole are ſomehow in purſuit of gain, ſuch as are the moſt temperate become the wealthieſt, and have the greateſt quantity of honey; hence the greateſt quantity of honey, and what comes with the greateſt eaſe, is preſſed out of theſe by the drones. Such wealthy people are the paſture of the drones. The people who mind their own affairs, and meddle not with any others, who have not much property, but yet are the moſt numerous, and the moſt prevalent in democracy, *whenever it is fully aſſembled*, would be a third ſpecies: but it will not often fully aſſemble, if it does not get ſome ſhare of the honey. It does, however, always get a ſhare, for

their

their leaders rob thoſe who have ſubſtance and give it to the people, that they may have the moſt themſelves. Theſe, then, who are thus deſpoiled, are obliged to defend themſelves, ſaying and doing all they can among the people. Others, then, give them occaſion to form deſigns againſt the people, and ſo they become oligarchic, even although they ſhould have no inclination to introduce a change of government: thence they go to accuſations, law-ſuits, and conteſts, one with another, the leaders ſlandering, and the drones ſtinging.

The people are wont always to ſet ſome one in a conſpicuous manner over themſelves, to cheriſh him, and greatly to increaſe his power. Whenever a tyrant riſes, it is from this root, and from nothing elſe, that he bloſſoms. What then is the beginning of a change from a preſident into a tyrant?—The wolf in the temple of Arcadia, dedicated to Lycæan Jupiter, had this inſcription, "That whoever taſted human entrails, mixed with other ſacrifices, neceſſarily became a wolf." In the ſame manner, he who, being preſident of the people, and receiving an extremely ſubmiſſive multitude, abſtaineth not from kindred blood, but unjuſtly accuſing them, and bringing them into courts of juſtice, ſtains himſelf with blood-ſhed, and baniſhes and ſlays, and propoſes the abolition of debts and diviſion of lands;—muſt not ſuch a one either be deſtroyed by his enemies, or exerciſe tyranny, and, from being a man, become a wolf? He now becomes ſeditious towards thoſe who have ſubſtance, and when he fails he goes againſt his enemies with open force, and becomes an accompliſhed tyrant; and if they be unable to expel him, or put him to death by an accuſation before the city, they conſpire to cut him off privately by a violent death. On this account,

account, all thoſe who mount up to tyranny invent the celebrated tyrannical demand of the people, certain guards for their perſons, that the aſſiſtance of the people may be ſecured to them. The people, afraid of his ſafety, but ſecure as to their own, grant them. Then thoſe who have ſubſtance, and the crime of hating the people, fly; and if any one of them is caught, he is put to death. This preſident of a city, thus not behaving like a truly great man, tumbles down many others, and ſits in his chair a conſummate tyrant, inſtead of a preſident of the city. Conſider now the happineſs of the man and the city in which ſuch a mortal ariſes: in the firſt days, he ſmiles and ſalutes every one he meets, ſays he is no tyrant, promiſes many things, both in private and in public, frees from debts, diſtributes lands both to the people in general and thoſe about him, affects to be mild and of the patriot ſpirit towards all. But when he has reconciled to himſelf ſome of his foreign enemies, and tranquillity is reſtored, he raiſes wars, that the people may want a leader, and that, being rendered poor by the payment of taxes, they may be under a neceſſity of becoming intent on a daily ſuſtenance, and leſs ready to conſpire againſt him. If he ſuſpects any of them, who are of free ſpirits, will not allow him to govern, in order to have ſome pretext for deſtroying them, he expoſes them to the enemy. On theſe accounts, a tyrant is always under a neceſſity of raiſing war. While he is doing theſe things, he muſt become more hateful to his citizens: ſome of thoſe who have been promoted along with him, and are in power, ſpeak out freely, both to him and among themſelves, finding fault with the tranſactions. It behoves the tyrant then to cut off all thoſe who are of a more manly ſpirit, if he means to govern, till he

he leave no one, friend or foe, worth any thing; he muſt carefully obſerve who is courageous, magnanimous, wiſe, rich, and of neceſſity he muſt be an enemy to all theſe, and lay ſnares, until he cleanſe the city of them. Thus he muſt live with wicked people, and be hated by them too, or not live at all; the more he is hated, the more guards he will want. But the worthy men being deſtroyed, the worſt muſt be his guards. What a bleſſed poſſeſſion! But this army of the tyrant, ſo beautiful, ſo numerous, and multiform, muſt be maintained. If there be any ſacred things in the city, theſe they will ſpend, and the people obliged to pay the lighter taxes. When theſe fail, he and his drunken companions and aſſociates, male and female, ſhall be maintained out of the paternal inheritance; and the people who have made the tyrant ſhall nouriſh him. If the people be enraged, and ſay that they did not make him, to be ſlaves to his ſlaves, but that they might be ſet at liberty from the rich in the city, who are now called good and worthy men, and order him and his companions to be gone out of the city, as a father drives out of his houſe his ſon, with his tumultuary, drunken companions; then, indeed, the people ſhall know what a beaſt they are themſelves, and what a beaſt they have generated, hugged, and bred up. While they are the weaker, they attempt to drive out the ſtronger. The tyrant will ſtrip them of their armour. The people, defending themſelves againſt the ſmoke of ſlavery, have fallen into the fire of deſpotiſm; inſtead of that exceſſive and unſeaſonable liberty, embracing the moſt rigorous and wretched ſlavery of bondmen.—Thus, to ſpeak modeſtly, we have ſufficiently ſhewn how tyranny ariſes out of democracy, and what it is after it is riſen.

END OF THE EIGHTH BOOK.

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THE NINTH BOOK.

THE tyrannical man himſelf remains yet to be conſidered, in what manner he ariſes out of the democratic, and what kind of man he is, and whether he is wretched or happy: of thoſe pleaſures and deſires which are not neceſſary, *ſome are repugnant to law*; theſe, indeed, appear to ſpring up in every one, but being *chaſtiſed by the laws*, and the better deſires, along with reaſon, they either forſake ſome men altogether, or are leſs in number and feeble; in others they are in greater number and more powerful. Theſe lawleſs deſires are ſuch as are excited in ſleep, when the rational part of the ſoul which governs it is aſleep, and the part which is brutal and ſavage, being filled with meats and drunkenneſs, friſks about, and puſhing away ſleep, wants to go and accompliſh its practices; in ſuch a one it dares to do every thing, as being looſed and diſengaged from all modeſty and diſcretion; for it ſcruples not the embraces, as it imagines, of gods, men, or beaſts; nor to kill any one; in one word, is wanting in no folly nor impudence. There is in every one a certain ſpecies of deſires, which is terrible, ſavage, and irregular, even in ſome who ſeem to us to be entirely moderate.

Recollect now what kind of man we ſaid the democratic one was; educated from his infancy under a parſimonious father, who valued the avaricious deſires alone; but being afterwards converſant with thoſe who are more refined, running into their manner, and all ſort of inſolence, from a deteſtation of his father's parſimony; however, having a better natural temper than thoſe who corrupt him, and being drawn oppoſite ways, he ſettles into a manner in the middle of both, and participating moderately, as he imagines, of each

of them, he leads a life neither illiberal nor licentious, becoming a democratic man from an ariſtocratic. His ſon is educated in his manners, but the ſame things happening to him as to his father, he is drawn into all kinds of licentiouſneſs, which is termed, however, by thoſe who draw him off, the moſt complete liberty. His father, the domeſtics, and others, are aiding to thoſe deſires which are in the middle: but when the tyrant-makers have no hopes of retaining the youth in their power any other way, they contrive to excite in him a certain love which preſides over the indolent deſires, and ſuch as miniſter readily to their pleaſures; and when other deſires make a noiſe about him, full of their odours and perfumes, and crowns and wines, and the pleaſures of the moſt diſſolute kind, then truly he is ſurrounded with madneſs as a life guard, and that preſident of the ſoul rages with phrenzy, till he kills all modeſty, is cleanſed of temperance, and filled with additional madneſs. This is the formation of a tyrannical man. After this there are feaſtings among them, and revellings, banquetting, and miſtreſſes, and all ſuch things as may be expected where the tyrant's love, drunkenneſs, and madneſs govern all in the ſoul. After this there is borrowing and pillaging of ſubſtance, and ſearching for every thing which they are able, by rage and phrenzy, deceit and violence, to carry off; pilfering and beguiling parents. When the ſubſtance of father and mother fails, he will break into houſes, rob in the ſtreets, rifle temples. Thoſe deſires which heretofore were only looſe from their ſlavery in ſleep, when he was yet *under the laws* and his father, when under democratic government, now when he is tyrannized over by his paſſions, ſhall be equally as looſe when he is awake, and from

from no horrid ſlaughter or deed ſhall he abſtain; but the tyrant within him, *living without any reſtraint of law and government*, ſhall lead him on to every mad attempt. Such as theſe eſtabliſh as tyrant, the man who among them hath himſelf moſt of the tyrant, and in greateſt ſtrength within his own ſoul. If the city reluctſ, he ſhall bring in other young people, and chaſtiſe his formerly *beloved mother and father country*, as the Cretans ſay. But liberty and true friendſhip the tyrannic diſpoſition never taſted. Let us finiſh then our worſt man: he will be awake ſuch as we deſcribed him aſleep, and he who appears the moſt wicked, ſhall really be the moſt wretched; as many men as many minds; as city is to city, as to virtue and happineſs, ſo will man be to man; kingly government is the beſt, and tyranny is the worſt. No city is more wretched than that which is under tyranny, nor any more happy than that under regal power. Both the city and the tyrant ſhall be ſlaviſh, poor, timorous; and you will find more lamentations and groans, weepings and torments, than in any other city. *We ſhould not merely conjecture about matters of ſuch importance, but moſt thoroughly inquire into them, by reaſoning of this kind, for the inquiry is concerning the moſt important matter, a good life and a bad.*

Such private men as are rich, and poſſeſs many ſlaves, have this reſemblance at leaſt of tyrants, that they rule over many: if they live ſecurely, and are not afraid of their domeſtics, it is becauſe the whole city gives aſſiſtance to each particular man: but if a god ſhould lift a man, his wife and children, with fifty ſlaves, out of the city, and let them down in a deſart, in what kind of fear would he be about himſelf, his wife and children, leſt they ſhould be deſtroyed by the domeſtics?

Such,

Such, and much worſe, is the tyrant in his tyrannical city;—envious, faithleſs, cowardly, unjuſt, unfriendly, unholy, and a ſink and breeder of all wickedneſs.

Now tell me which is the firſt and which the laſt, as to happineſs, the regal, the ambitious, the oligarchic, the democratic, and the tyrannic man and city. The beſt and juſteſt is the happieſt.

Thus, Sir, you have ſome of Plato's ſentiments of morals and politics, how much they are to M. Turgot's purpoſe, we may ſhew in another letter; mean time I am, &c.

LETTER XXXIV.

MY DEAR SIR,

I PROMISED you to add to the reſearches of Polybius and Plato, concerning the mutability of governments, thoſe of Sir Thomas Smith, who, as he tells us, on the 28th of March, 1565, in the 7th of Eliz. and 51ſt year of his age, was ambaſſador from that queen to the court of France, and then publiſhed "The Commonwealth of England," not as Plato made his Republic, Xenophon his Kingdom of Perſia, or Sir Thomas Moore his Utopia, feigned commonwealths, ſuch as never were nor ſhall be, vain imaginations, phantaſies of philoſophers, but as England ſtood, and was governed at that day,

In his 7th chapter, and the two following, he gives us his opinion of the origin of a kingdom,

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an ariſtocracy, and democracy. The third he ſuppoſes to grow naturally out of the ſecond, and the ſecond out of the firſt, which originated in patriarchal authority. But as there is nothing remarkable, either in favour of our ſyſtem or againſt it, I ſhould not have quoted the book in this place, but for the ſake of its title. The conſtitution of England is in truth a republic, and has been ever ſo conſidered by foreigners, and by the moſt learned and enlightened Engliſhmen, although the word commonwealth has become unpopular and odious, ſince the unſucceſsful and injudicious attempts to aboliſh monarchy and ariſtocracy, between the years 1640 and 1660.

Let us proceed then to make a few obſervations upon the Diſcourſes of Plato and Polybius, and ſhew how forcibly they prove the neceſſity of permanent laws, to reſtrain the paſſions and vices of men, and to ſecure to the citizens the bleſſings of ſociety, in their peaceable enjoyment of their lives, liberties, and properties; and the neceſſity of different orders of men, with various and oppoſite powers, prerogatives, and privileges to watch over one another, to balance each other, and to compel each other at all times to be real guardians of the laws.

Every citizen muſt look up to the laws, as his maſter, his guardian, and his friend; and whenever any of his fellow citizens, whether magiſtrates or ſubjects, attempt to deprive him of his right, he muſt appeal to the laws; if the ariſtocracy encroach, he muſt appeal to the democracy; if they are divided, he muſt appeal to the monarchical power to decide between them, by joining with that which adheres to the laws; if the democracy is on the ſcramble for power, he muſt appeal to the ariſtocracy, and the monarchy, which by uniting

ing may reſtrain it. If the regal authority preſumes too far, he muſt appeal to the other two. Without three diviſions of power, ſtationed to watch each other, and compare each other's conduct with the laws, it will be impoſſible that the laws ſhould at all times preſerve their authority, and govern all men.

Plato has ſufficiently aſſerted the honour of the laws, and the neceſſity of proper guardians of them; but has no where delineated the various orders of guardians, and the neceſſity of a balance between them: he has, nevertheleſs, given us premiſes from whence the abſolute neceſſity of ſuch orders and equipoiſes may be inferred; he has ſhewn how naturally every ſimple ſpecies of government degenerates. The ariſtocracy, or ambitious republic, becomes immediately an oligarchy.—What ſhall be done to prevent it? Place two guardians of the laws to watch the ariſtocracy: one in the ſhape of a king, on one ſide of it; another in the ſhape of a democratical aſſembly, on the other ſide. The ariſtocracy, become an oligarchy, changes into a democracy.—How ſhall it be prevented? By giving the natural ariſtocracy in ſociety its rational and juſt weight, and by giving it a regal power to appeal to againſt the madneſs of the people. Democracy becomes a tyranny.—How ſhall this be prevented? By giving it an able independent ally in an ariſtocratical aſſembly, with whom it may unite againſt the unjuſt and illegal deſigns of any one man.

LETTER XXXV.

ANCIENT DEMOCRATICAL REPUBLICS.

CARTHAGE.

MY DEAR SIR,

IN order to ſhew the theory of Socrates, as reported by Plato, in a clearer light, and to be convinced that he has not exaggerated in his deſcription of the mutability in the characters of men, and the forms of government, we ſhould look into the hiſtory of thoſe ancient republics from whence he drew his obſervations and reaſonings. Although it is probable that Greece was his principal theatre, yet we may reaſonably ſuppoſe that Carthage, and a multitude of other republics in Italy, beſides that of Rome, were not unknown to him.

The hiſtory of Greece ſhould be to our countrymen, what is called in many families on the continent a boudoir; an octagonal apartment in a houſe, with a full-length mirror on every ſide, and another in the ceiling. The uſe of it is, when any of the young ladies, or young gentlemen if you will, are at any time a little out of humour, they may retire to a place, where, in whatever direction they turn their eyes, they ſee their own faces and figures multiplied without end. By thus beholding their own beautiful perſons,

ſons, and ſeeing at the ſame time the deformity brought upon them by their anger, they may recover their tempers and their charms together. A few ſhort ſketches of the ancient republics will ſerve to ſhew, not only that the *orders* we defend were common to all of them; that the proſperity and duration of each was in proportion to the care taken to *balance* them; and that they all were indebted for their frequent ſeditions, the riſe and progreſs of corruption, and their decline and fall, to the imperfection of their orders, and their defects in the balance.

As there are extant no writings of any Carthaginian philoſopher, ſtateſman, or hiſtorian, we have no exact information concerning the form of their commonwealth, but what appears in a few hints of Greek and Roman authors. Their commerce and riches, their empire of the ſea, and extenſive dominion of two thouſand miles on the ſea-coaſt, their obſtinate military conteſts with Rome, and the long duration of their government, prove both that their population and power were very great, and their conſtitution good; eſpecially, as for the ſpace of five hundred years, their tranquillity was never interrupted by ſedition, nor their liberties attempted by the ambition of any of their citizens.

The national character was military, as well as commercial; and although they were avaricious, they were not effeminate.

The monarchical power was in two ſuffetes, the ariſtocratical in the ſenate, and the democratical was held by the people in a body. Theſe are ſaid to have been nicely balanced, but we know not in what manner. The chief magiſtrates were annually elected by the people. The ſena-

tors were elected too, and although it is not certain, it is moſt probable, by the people; but it appears, that three qualifications were indiſpenſable in every ſenator—birth, merit, and wealth; this laſt requiſite rendered commerce honourable, even in the firſt of the patricians and ſenators themſelves, and animated the commercial genius of the nation. This government thus far reſembles thoſe of the United States of America more than any other of the ancient republics, perhaps more than any of the modern: but when we inquire for the balance, it is not to be found. The ſuffetes had not more authority than Roman conſuls; they had but a part of the executive power, and none of the legiſlative: much of the executive, and all the legiſlative, was in the ſenate and people: the balance then could only be between theſe two. Now it is impoſſible to balance two aſſemblies, without introducing a third power; one or other will be moſt powerful, and whichever it is, it will continually ſcramble till it gets the whole: in fact, the people here had the whole, as much as in any of our ſtates; ſo that while the citizens were uncorrupted, and gave their votes honeſtly for ſuffetes and ſenators, all went well: and it is extremely remarkable, that with all their acknowledged eagerneſs for money, this people were ſo many centuries untainted with luxury and venality, and preſerved their primitive frugality of manners, and integrity in elections. As to the Roman accuſations of inſincerity, there is no more reaſon to believe them, than there would be to believe a Carthaginian who ſhould retort the reproach. This, as well as other inſtances, may lead us to doubt the univerſality of the doctrine, that commerce corrupts manners.

manners. There was another remarkable inſtitution, that the ſenate ſhould always be unanimous; and if any one ſenator inſiſted upon his own opinion againſt all the reſt, there could be no deciſion but by an appeal to the people. This again gave a ſtrong democratical caſt to the conſtitution. Such a tendency could only be balanced by the laws, which requiring a large fortune for every ſenator and public officer, in order to ſupport his dignity, and ſecure him againſt the temptations to corruption, confined the choice to the firſt families and abilities united. This was liable to great objection, becauſe great abilities might often be poſſeſſed by men of obſcurer original, and ſmaller property, who were thereby excluded. To this law, nevertheleſs, may be aſcribed the duration of the republic.

Another remarkable check, which was perhaps the original model from whence the Venetian inquiſition was copied, was a committee of one hundred and four members of the ſenate, appointed to watch the ambition of the great families. To this body all their admirals and generals were required to render an account of their conduct at the end of every year.

Out of this body were elected a ſub-committee of five, who had very great power: their office was for life; and they filled up their own vacancies out of the one hundred and four, and all the vacancies, even in the one hundred and four, out of the ſenate; they had the ſupreme tribunal of criminal juriſdiction. This power muſt have been terrible to all; to the people, ſenate, and ſuffetes; yet it was the check which preſerved the ſtate from ſedition and convulſions.

It grew unpopular; and the law which at laſt made it annual and elective, probably laid the foundation of the ruin of the commonwealth, by changing the balance, and introducing the *dominatio plebis*. The balances in this, the moſt democratical republic of antiquity, contrived by the people themſelves to temper their own power, are extremely remarkable: the ſuffetes repreſented, like the conſuls at Rome, the majeſty of the commonwealth, and had a ſhare of executive authority; the council of five had criminal juriſdiction, and inquiſitorial power; the one hundred and four were a body choſen out of the ſenate, by the five, for their ſupport; then comes the ſenate at large; and, laſt of all, the people at large. Here are five orders completely diſtinct, beſides the neceſſary legal qualification of great wealth: yet all theſe checks, although they preſerved the ſtate five hundred years, could not prolong its period above ſeven hundred; becauſe, after all, the balance was not natural nor effectual. The executive power was not ſeparated from the legiſlative, nor the different parts of the legiſlature properly divided or balanced: the executive power and judicial were both chiefly in legiſlative hands.

The noble families thus ſecured in poſſeſſion both of legiſlative and executive power, could not be reſtrained by all the ligaments which had been contrived to preſerve the equipoiſe between them and the people: they divided into two factions, with the family of Hanno at the head of one, and that of Barcas of the other; firſt attacked the council of five, whoſe power was unpopular, as well as odious to the nobles; eaſily procured a law to make that annually elective,

or,

or, in other words, an inſtrument always in the hands of the prevailing faction, as ſuch a ſmall body, ſo changeable, muſt ever be, and overturned the conſtitution. The Romans had all the advantage of theſe diſſenſions in the war, by which they finally deſtroyed their rival power ſo effectually, that ſcarce a trace of it remains to be ſeen, even in ruins. Their virtues were not extinguiſhed to the laſt, and ſome of the greateſt examples of patriotiſm and heroiſm were exhibited even in their expiring agonies.

LETTER XXXVI.

ANCIENT ARISTOCRATICAL REPUBLICS.

ROME.

MY DEAR SIR,

DIONYSIUS Halicarnaſſenſis has not only given us his own judgement, that the moſt perfect form of government is that which conſiſts of an equal mixture of monarchy, ariſtocracy, and democracy, in the ſpeech which he puts into the mouth of Valerius, but has repeated the ſame ſentiment in his own name in other parts of his work. In the ſeventh ſection of his ſecond book of the Roman Antiquities, he ſays

of Romulus, that he was extremely capable of inſtituting the moſt perfect form of government. And again, "I ſhall firſt ſpeak of the form of government he inſtituted, which I look upon, of all others, to be the moſt ſelf-ſufficient to anſwer all the ends both of peace and war." This is a mixture of monarchy, ariſtocracy, and democracy, extolled by Polybius, and is nearly the ſame with that of Lycurgus, inſtituted at Sparta about a hundred years before. As the conſtitutions of Rome and Sparta laſted ſo many centuries longer than others of Greece and Italy, and produced effects ſo amazing upon the human character, we may rationally aſcribe that duration and thoſe effects to this compoſition, although the balance was very imperfect in both. The legal power, both of the kings and people, in both, were unequal to that of the ſenate, and therefore the predominant character in both was ariſtocracy. In Sparta, the influence of the monarchy and democracy was derived chiefly from the oath taken by the kings and ephori to ſupport each other. An authority founded thus in opinion, in religion, or rather ſuperſtition, not in legal power, would keep the ſenate in ſome awe, but not in any certain reſtraint.

Romulus divided all the people into three parts, and appointed a perſon of the firſt rank to be the chief of each of them. Then he ſubdivided each of theſe into ten others, and appointed as many of the braveſt men to be the leaders of theſe. The greater diviſions he called tribes, and the leſſer curiæ: the commanders of the tribes were called tribuni; and thoſe of the curiæ, curiones. He then divided the land into thirty

thirty portions, and gave one of them to each curia. He diſtinguiſhed thoſe who were eminent for their birth, virtues, and riches; and to theſe he gave the name of fathers. The obſcure, the mean, and the poor, he called plebeians, in imitation of the government at Athens, where, at that time, thoſe who were diſtinguiſhed by their birth and fortune were called "well-born," to whom the adminiſtration of government was committed: and the reſt of the people, who had no ſhare in it, "huſbandmen." Romulus appointed the patricians to be prieſts, magiſtrates, and judges. The inſtitution by which every plebeian was allowed to chooſe any patrician for his patron, introduced an intercourſe of good officers between theſe orders, made the patricians emulate each other in acts of civility and humanity to their clients, and contributed to preſerve the peace and harmony of Rome in ſo remarkable a manner, that in all the conteſts which happened for ſix hundred and twenty years, they never proceeded to bloodſhed.

The king, according to the inſtitution of Romulus, had ſeveral important functions, viz. 1. Supremacy in religion, ceremonies, ſacrifices, and worſhip. 2. The guardianſhip of the laws, and adminiſtration of juſtice in all caſes, whether founded on the law of nature, or the civil law: he was to take cognizance of the greateſt crimes in perſon, leaving the leſſer to the ſenate; and to obſerve, that no errors were committed in their judgements: he was to aſſemble both the ſenate and the people; to deliver his opinion firſt, and purſue the reſolutions of the majority.—Romulus, however, wiſely avoided that remarkable Spartan abſurdity, of two kings.

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The ſenate were to deliberate, and determine by a majority of votes, all queſtions which the king ſhould propoſe to them. This inſtitution alſo Romulus took from the conſtitution of the Lacedæmonians. The kings, in both conſtitutions, were ſo far from being abſolute, that they had not the whole executive power, nor any negative upon the legiſlature; in ſhort, the whole power of the government was veſted in the ſenate.

The people had three privileges; to chooſe magiſtrates (yet all the great employments muſt be confined to the patricians;) to enact laws; and to determine concerning war, when propoſed by the king: but the concurrence of the ſenate being neceſſary to give a ſanction to their deciſions, their power was not without controul.

To ſeparate the executive from the legiſlative power, and the judicial from both, and to give the king, the ſenate, and people, each a negative in the legiſlature, is ſo ſimple, and to us appears ſo obvious an improvement of this plan, that it is ſurpriſing it did not occur to Romulus, as well as to Lycurgus: but, in thoſe early times, perhaps neither kings, nor nobles, nor people, were willing to have their prerogatives and privileges ſo exactly aſcertained. The nobles, in both nations, had almoſt all the influence, and were, no doubt, as jealous of royal as they were of popular power. It is certain that, although the government was called monarchical, it was in reality ariſtocratical in an high degree. There is a remarkable example of ariſtocratical art in the manner of obtaining the determination of the people: they were not permitted to vote in one common aſſembly; they were called in their cu-

riæ; the majority of votes in a curia decided its voice; and a majority of curiæ was the reſolve of the whole people.

Had Romulus died in peace, and left a ſon, his monarchy would probably have deſcended in his family; but a conteſt aroſe immediately here (as it has done in all other nations where the people had not a negative, and where the executive power has been partly in the hands of a king, and partly in a ſenate) between the king and the nobles; and Romulus was put to death by the patricians, for aiming, as they pretended, at more power than his ſhare. This enabled the patricians to carry their firſt point; for it is always the firſt point of the ariſtocracy to make the firſt magiſtrate elective: in this they are always at firſt joined by the people; but, after ſeeing the uſe which the nobles make of theſe elections a few times, the people themſelves have always made it hereditary.

Numa was choſen, a man of peace, piety, and humanity, who had addreſs enough to make the nobles and people believe that he was married to the goddeſs Egeria, and received from his celeſtial conſort all his laws and meaſures.

Tullus Hoſtilius, a man of great merit, was choſen in his ſtead; but after a glorious, at leaſt a victorious reign of thirty-two years, was murdered by the patricians, headed by Ancus Marcius, grandſon of Numa by his only daughter, who thought his family-right prior to that of Tullius.

Ancus was elected king, and died a natural death.

Lucius Tarquinius, after a reign of thirty-eight years, in which he had enlarged the territory, beautified the city, and ſhewn himſelf worthy

thy of the crown, was aſſaſſinated in his palace by the two ſons of Ancus Marcius, who had learned the family policy: but their project was unfortunate; the people loved Lucius, executed the inſtruments of the murder, baniſhed the two ſons of Ancus, and confiſcated their eſtates.

Servius Tullius, who had married the daughter of Lucius, was now elevated to the throne by the people, much againſt the will of the ſenate and patricians, becauſe Lucius was not one of them, but of Greek extraction. Tullius was chiefly ſupported by the people, always diſagreeable to the patricians, who held his advancement to the throne to be illegal. The adminiſtration of Tullius is an artful ſyſtem of duplicity, to preſerve his character, of the man of the people, and, at the ſame time, appeaſe the fury of the patricians, by really undermining the authority of the people, and throwing the whole power into their hands. In purſuance of his principle to pleaſe both ſides, he made excellent equitable regulations for regiſtering the people, eſtabliſhing a militia, and proportioning the burdens of war according to the property and abilities of all ranks; but he ſubdivided the ſix claſſes into one hundred and ninety-three centuries: the firſt claſs was compoſed wholly of the rich, and contained ninety-eight of the centuries. If the centuries of the firſt claſs were unanimous, as they generally were, they carried every point by a majority of three; if they diſagreed, the centuries of the ſecond claſs were called; if they diſagreed, the third came forward; and ſo on, till ninety-ſeven centuries agreed: if the numbers continued equal, ninety-ſix to ninety-ſix, the ſixth claſs was called, which was compoſed wholly of the pooreſt people, and contained

contained but one century; but even the votes of the fourth claſs were rarely called for, and the votes of the fifth and ſixth were generally uſeleſs. When the people voted by curiæ, the vote of every citizen was given, and, as the poor were moſt numerous, they were always ſure of a large majority; but when thus taken by centuries, that numerous body of the poor which compoſed the ſixth century, were wholly inſignificant, and thoſe of the fifth and fourth very nearly ſo. By changing the votes from curiæ to centuries, Tullius wholly changed the fundamental conſtitution, and threw the elections of magiſtrates, civil and military, the power of enacting and repealing laws, declaring war, and making peace, all into the power of the rich patricians. The people had not ſenſe enough to ſee this; nor to ſee another thing of more importance, viz. that the king had been driven to the neceſſity of this artful flattery of the patricians by his not being independent of them, and by their ſharing with him in the executive power. Tullius had two daughters, married to the grandſons of his predeceſſor, Aruns and Tarquinius. The patricians were ſtill caballing againſt Tullius, and ſet up Tarquin, one of his ſons-in-law, againſt him; but as a majority were not for his depoſition, Tarquin and his impious and inceſtuous wife joined the cabal in the murder of her firſt huſband and her father. Tarquin, in time, murdered, on all hands, patricians and plebeians.—He was expelled by Brutus.

This whole hiſtory, from Romulus to Tarquin, is one continued ſtruggle of the noble families for the firſt place; and another unanſwerable proof of the neceſſity of having three orders, and each order independent, in order to form an effectual equilibrium. The people were very little

regarded by the ſenate or patricians; the kings only now and then courted the people for ſupport againſt their rivals among the patrician families. The tyranny of Tarquin made the *name of king* odious and unpopular: the patricians, who were the principal conductors of the revolution, took advantage of this;—for what? To reſtore and improve Romulus's plan of a mixed government? No; but to eſtabliſh their favourite ariſtocracy upon the ruins of monarchy. Two conſuls, in imitation of the two Spartan kings, were to be elected annually by the votes of the people, which carried the name of a democratical power; but the votes were taken by centuries, not by tribes, which made the patricians maſters of the elections, and conſtituted an ariſtocracy in reality. From this moment a haughty faction of ſelfiſh patricians appears, who affected to deſpiſe the people, to reduce them to ſervitude, and eſtabliſh a deſpotic oligarchy. The people had ſuffered their prejudices to blind them ſo far as to be tricked out of their king, who was at leaſt a better friend to them than the patricians were, and now the conteſts were wholly between patricians and plebeians: the former had now got the conſuls, and conſequently the executive power, as much in their hands as ever the nobles in Venice had their doge, or as the nobles in Poland have their king.

The plebeians were now in a moſt wretched ſituation. They were obliged to ſerve in the wars, to keep out the Tarquins and their allies, at their own expence, which frequently obliged them to borrow money at exorbitant intereſt of the patricians, who had engroſſed the greater part of the wealth; and, as the country was often ravaged by the enemy, many loſt all their effects. Unable

able to pay the principal, with accumulated loads of intereſt upon intereſt, they were frequently confined by their creditors in chains, and ſcourged with whips; for the law, to which they had fooliſhly conſented, had made the debtor a ſlave to the creditor. The people began to demand an abolition of debts; the ſenate appointed a dictator. A confuſion of foreign wars and domeſtic diſſenſions enſues, till we come to the ſtory ſo beautifully told by Livy and Dionyſius, of the man who had been in twenty-eight battles, who appeared before the people, and ſhewed on his back the bleeding ſcars inflicted by a mercileſs creditor. At this time the patricians had plunged into their uſual difficulty, a violent conteſt among themſelves, between a furious headlong party, which always appear for an oligarchy, and the moderate men, who deſire to continue the ariſtocracy; the young patricians generally follow the haughty Claudius, and the mild Valerius courts the people. The oligarchy prevails, and the decemvirate is eſtabliſhed: their tyranny drives the people to the ſacred mountain; and, at laſt, the tribunate was eſtabliſhed.—Here is the firſt ſymptom of any ſyſtem purſued by the people: this was a balance—but what kind of balance? Nobody thought of another council, a houſe of repreſentatives, who ſhould have a negative; and, if they had, it would not have availed without a king; for ſuch a new aſſembly would ſoon have been either wholly ſubjected to the ſenate, or would have voted it uſeleſs. In truth, the monarchical power being ſuppreſſed, and the executive authority, as well as legiſlative, being now only in the ſenate and people, a ſtruggle commenced between theſe two.

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The people were on the ſcramble for more power; and firſt obtained a law, that all laws paſſed in their aſſembly by tribes, ſhould have equal force with thoſe made in the aſſembly by centuries; then, that all poſts and dignities ſhould be enjoyed by the plebeians equally with the patricians: and that the decrees of the people ſhould have the ſame force, and affect the patricians in the ſame manner, as thoſe paſſed by the ſenate. All this was very juſt, and only brought the democracy to an equality with the ariſtocracy; but whenever theſe two are equal in legal power, numbers will ſoon turn the balance in favour of the democracy, unleſs there is a third power to intervene. Accordingly it ſo happened, and the people went on from ſtep to ſtep, increaſing their own importance, and diminiſhing that of the ſenate, until it was found ſhut up in Utica; but before this, the people were divided into parties, and Cæſar, at the head of one, paſſed the Rubicon, that is, ſet the moſt ſacred law of his country at open defiance. From this time the government became a government of men, and the worſt of men.

From this example, as from all others, it appears, that there can be no government of laws, without a balance, and that there can be no balance without three orders; and that even three orders can never balance each other, unleſs each in its department is independent and abſolute. For want of this, the ſtruggle was firſt between the king and ſenate; in which caſe the king muſt always give way, unleſs ſupported by the people. Before the creation of tribunes, the people were in no ſenſe independent, and therefore could not ſupport the kings. After the abolition of kings, the ſenate had no balance either way,

way, and accordingly became at once a tyrannical oligarchy. When the people demanded their right, and obtained a check, they were not ſatisfied; and graſped at more and more power, until they obtained all, there being no monarchical power to aid the ſenate. But the moment the power became collected into this one center, it was found in reality ſplit into three; and as Cæſar had the largeſt of the three ſhares, he inſtantly uſurped the whole.

LETTER XXXVII.

ANCIENT MONARCHICAL REPUBLICS.

TACITUS.

DEAR SIR,

BEFORE we proceed to the Greeks, we may even mention the ſavages. Every nation in North America has a king, a ſenate, and a people. The royal office is elective, but it is for life; his ſachems are his ordinary council, where all the national affairs are deliberated and reſolved in the firſt inſtance: but in the greateſt of all, which is declaring war, the king and ſachems call a national aſſembly round a great council fire, communicate to the people their reſolution, and ſacrifice an animal. Thoſe of the people who approve the war, partake of the ſacrifice; throw the hatchet into a tree, after the example of the

king, and join in the ſubſequent war ſongs and dances. Thoſe who diſapprove, take no part of the ſacrifice, but retire.

ANCIENT GERMANS.

THE ancient German nations mentioned by Tacitus, had among them at leaſt two ſorts of governments. One was monarchy: and the king was abſolute, as appears by theſe words: "Exceptis "iis gentibus quæ regnantur; ibi enim et ſuper "ingenuos, et ſuper nobiles, aſcendunt liberti: "apud ceteros, impares libertini, libertatis argu- "mentum."* The other ſpecies of government was ariſtocracy; for though there was a mixture of monarchy, ariſtocracy, and democracy, yet the power of the king and people was ſo feeble, and that of the nobles, as comprehended under the titles of princes, dukes, and counts, was ſo predominant,

* There cannot be a ſtronger proof that this, that the monarchy was of the moſt abſolute kind, that it was indeed a ſimple deſpotiſm; and Tacitus himſelf gives the explanation of it, in his account of the original of this kind of ſlavery. "Aleam ſobrii inter ſeria exercent, tanta lucrandi "perdendive temeritate, ut, cum omnia defecerunt, ex- "tremo ac noviſſimo jactu, de libertate et de corpore "contendant. Victus voluntariam ſervitutem adit; quan- "quam junior, quanquam robuſtior, alligari ſe ac venire "patitur: ea eſt in re prava pervicacia; ipſi fidem vocant. "Servos conditionis hujus per commercia tradunt, ut ſe "quoque pudore victoriæ exſolvant. Liberti non multum "ſupra ſervos ſunt, raro aliquod momentum in domo, nun- "quam in civitate, exceptis duntaxat iis gentibus quæ "regnantur," &c. If in theſe nations thoſe freedmen, who were nothing in the others, neither in the family or the ſtate, were held in more eſtimation, and advanced to more power, than the citizens, even than the nobles, theſe kings muſt have been deſpots, in the ſtricteſt ſenſe of the word; otherwiſe neither nobles nor people would have ſuffered the indignity.

that

that the government muſt be denominated ariſtocratical. "De minoribus rebus principes conſultant, de majoribus omnes; *ita tamen*, ut ea quoque, quorum penes plebem arbitrium eſt, apud principes pertractentur." If thoſe things which are moſt clearly in the power of the people, were firſt diſcuſſed among the nobles, the reference to the people afterwards ſeems to have been rather a communication to them of the reſult of the ſenate, than a ſubmiſſion of it to the popular judgement.

The nature and extent of the royal dignity and authority appears from theſe words: "Reges ex nobilitate ſumunt; nec regibus infinita aut libera poteſtas." Kings were taken from the nobility, or kings were choſen for their noble deſcent; ſo that ordinarily the office deſcended to the next of kin: but it is here expreſsly aſcertained that their power was neither unlimited nor independent. They had no negative, and might in all things be over-ruled, at leaſt by the nobles and people conjointly.

The nature and extent of the ariſtocratical dignities and authorities may be collected from what follows: "Duces ex virtute ſumunt; et duces exemplo potius quam imperio, ſi prompti, ſi conſpicui; ſi ante aciem agant, admiratione præſunt." The feudal hierarchy, even in theſe early times, was fully eſtabliſhed, although it was afterwards enlarged. The titles of dukes and counts, the rank and power they conferred, deſcended in families, although there was the bare formality of an election in the grand council. "Arma ſumere, non ante cuiquam moris, quam civitas ſuffecturum probaverit: tum, in ipſo conſilio, vel principum aliquis, vel pater, vel propinquus, ſcuto frameaque juvenem ornant. Inſignis nobilitas, aut magna patrum merita, principis dignationem etiam adoleſcentulis aſ-

" ſignant."—"When the young men were firſt ad-
" mitted into public ſociety, it was in the great
" council; when ſome one of the dukes, or the
" father, or other relation, adorned the youth
" with arms. And if he is of very noble birth,
" or his father has great merit, the dignity of a
" duke is aſſigned to him, young as he is."—
From this it is pretty clear that the crown, as well as the titles of dukes and counts, deſcended in the family line, although the formality of an admiſſion into council was kept up. The nobles, among whom the king was little more than the firſt among equals—at leaſt, he was not more ſuperior to the dukes, than the dukes were to the counts—had the game in their own hands, and managed a rude people as they pleaſed. This will appear probable from other paſſages: "Cæ-
" teris robuſtioribus, ac jam pridem probatis, ag-
" gregantur; nec rubor inter comites aſpici,
" gradus quinetiam et ipſe comitatus habet,
" judicio ejus quem ſectantur. Magnaque et
" comitum æmulatio, quibus primus apud prin-
" cipem ſuum locus; et principum, cui plurimi
" et acerrimi comites. Hæc dignitas, hæ vires,
" magno ſemper electorum juvenum globo cir-
" cumdari, in pace decus, in bello præſidium;
" nec ſolum in ſua gente cuique, ſed apud fini-
" timas quoque civitates, id nomen, ea gloria
" eſt, ſi numero ac virtute comitatus emineat;
" expetuntur enim legationibus, et muneribus or-
" nantur, et ipſa plerumque fama bella profli-
" gant. Cum ventum in aciem, turpe principi
" virtute vinci, turpe comitatui virtutem princi-
" pis non adæquare. Jam vero infame in omnem
" vitam, ac probroſum, ſuperſtitem principi ſuo
" ex acie receſſiſſe. Illum defendere, tueri, ſua
" quoque fortia facta gloriæ ejus aſſignare, præ-
" cipuum

" cipuum ſacramentum eſt. Principes pro vic-
" toria pugnant, comites pro principe. Si civi-
" tas, in qua orti ſunt, longa pace et otio torpeat,
" plerique nobilium adoleſcentium petunt ultro
" eas nationes quæ tum bellum aliquod gerunt;
" quia et ingrata genti quies, et facilius inter
" ancipitia clareſcunt, magnumque comitatum
" non niſi vi belloque tueare; exigunt enim
" principis ſui liberalitate illum bellatorem
" equum, illam cruentam victricemque fra-
" meam: nam epulæ, et quanquam incompti
" largi, tamen, apparatus pro ſtipendio cedunt;
" materia magnificentiæ per bella et raptus.
" Nec arare terram, aut expectare annum, tam
" facile perſuaſeris quam vocare hoſtes, et
" vulnera mereri; pigram quinimo et iners vi-
" detur, ſudore acquirere quod poſſis ſanguine
" parare."

When the foregoing ties, by which the people or the common ſoldiers were attached to the nobles, and the young and inferior nobles to the ſuperior, are conſidered, a better judgement may be formed of the authority which the people really had in the grand council or national aſſembly.

The powers and privileges of the people, in aſſembly, appears from the following paſſages: " Coeunt, niſi quid fortuitum et ſubitum incide-
" rit, certis diebus, cum aut inchoatur luna aut
" impletur; nam agendis rebus hoc auſpicatiſſi-
" mum initium credunt.—Illud ex libertate vi-
" tium, quod non *ſimul nec juſſi conveniunt*, ſed et
" alter et tertius dies cunctatione coeuntium ab-
" ſumitur." By this it ſhould ſeem that the people were ſo far from eſteeming the privilege of meeting, that the king and nobles could ſcarcely get them together. They had ſuch an averſion to

theſe civil and political deliberations, that the chiefs could hardly collect them to receive their orders.—" Ut turbæ placuit, conſidunt armati. " Silentium per ſacerdotes, quibus tum et coer- " cendi jus eſt, imperatur. Mox *rex*, vel *prin-* " *ceps*, prout ætas cuique, prout nobilitas, prout " decus bellorum, prout facundia, audiuntur, " auctoritate ſuadendi magis quam jubendi po- " teſtate. Si diſplicuit ſententia, fremitu aſper- " nantur; ſin placuit, frameas concutiunt." Here is ſome appearance of popular liberty: but when it is conſidered that the nobles were probably all the ſpeakers; that the numbers were not counted, nor voices diſtinctly taken; aſſent expreſſed by a claſh of arms, and diſſent by a murmur or a groan; and eſpecially the dependence of the people on their leaders, and attachment to them by oath; we may conſider theſe aſſemblies rather as called to receive the proclamation of the laws or minds of the nobles, than as any effectual democratical check. There was one thing, however, of great importance, done in theſe aſſemblies; judges, the poſſe comitatus, and juries, were here appointed to adminiſter juſtice. " Eliguntur in " iiſdem conciliis et principes, qui jura per pa- " gos vicoſque reddunt. Centeni ſingulis ex " plebe comites, conſilium ſimul et auctoritas, " adſunt."—An hundred commoners attended the judge, and out of theſe were juries appointed to give their opinion, " conſilium;" and others, or perhaps the ſame, to afford their aſſiſtance, " auctoritas," in putting the ſentences and judgement into execution.

From other particulars related by Tacitus, it is very probable there had been communications between Germany and Greece; from the worſhip of Hercules, Mars, Minerva, &c.; if not from

from the altar of Ulyſſes, and the name of Laertes, and the other monuments and inſcriptions in Greek letters, of which he ſpeaks more doubtfully.—However this may have been, there is a remarkable analogy between theſe political inſtitutions of the Germans, and thoſe deſcribed by Homer in the times of the Trojan war. It was, in both, the prerogative of the king to lead in war, and to rule in peace; but it is probable he was not fond of deliberating, any more than of fighting, without company: and though he may have done both ſometimes, yet numbers of his followers were ready to attend him in either. The nation acknowledged him for their leader; but they were accuſtomed, on great occaſions, to aſſemble, and, without any ſtudied form of democracy, took the ſovereignty upon themſelves, as often as their paſſions were ſtrongly enough affected to unite them in a body. The ſuperior claſſes, among themſelves, came as naturally to hold their meetings apart; and aſſembled frequently, when the occaſion was not ſufficient to engage the attention of the whole.—There is one remarkable difference between the Germans and the Greeks. Among the former, the prieſts were a diſtinct body, and ſeem to have had more deciſive authority than the kings, nobles, or people, in the general aſſemblies—"Silentium per ſacerdotes, quibus tum et coercendi jus eſt, imperatur:" whereas, among the latter, the kings were themſelves at the head of the prieſthood.

In this ſecond kind of German governments, we ſee the three orders of king, nobles, and commons, diſtinctly marked, but no balance fixed, no delineation of the powers of each; which left room for each to claim the ſovereignty, as we know they afterwards did; at leaſt the king and

the nobles claimed and contended for it for many ages; the people ſometimes claimed it, but at laſt gave it up to the king, as the leaſt evil of the two, in every country except England.

LETTER XXXVIII.

HOMER.

PHÆACIA.

DEAR SIR,

IN the kingdom, or rather ariſtocracy, of Phæacia, as repreſented in the Odyſſey, we have a picture at full length of thoſe forms of government which at that time prevailed in Greece.

There is a king Alcinous; there is a council of twelve other kings, princes, archons, or peers, for they are called by all theſe names; and there is a multitude: but the laſt do not appear to have any regular, legal, or cuſtomary part in the government. They might be ſummoned together by the heralds, or called by the ſound of trumpet, or a horn, to receive information of the reſults of their chiefs; to aſſiſt at a ſacrifice or proceſſion; to ſee a ſtranger or a ſhow, or to partake of a feaſt; or they might aſſemble of themſelves in a rage againſt an oppreſſor, from enthuſiaſm for the royal ſcepter, or other cauſes;—and the kings had often much dependance on their attachment to their hereditary right, their deſcent from the gods, and the ſacred authority of the poets, who were generally royaliſts.—The archons, too, were often afraid of the ſuperſtition of their people for the king, and his regal popularity. But the legal

from the altar of Ulyſſes, and the name of Laertes, and the other monuments and inſcriptions in Greek letters, of which he ſpeaks more doubtfully.—However this may have been, there is a remarkable analogy between theſe political inſtitutions of the Germans, and thoſe deſcribed by Homer in the times of the Trojan war. It was, in both, the prerogative of the king to lead in war, and to rule in peace; but it is probable he was not fond of deliberating, any more than of fighting, without company: and though he may have done both ſometimes, yet numbers of his followers were ready to attend him in either. The nation acknowledged him for their leader; but they were accuſtomed, on great occaſions, to aſſemble, and, without any ſtudied form of democracy, took the ſovereignty upon themſelves, as often as their paſſions were ſtrongly enough affected to unite them in a body. The ſuperior claſſes, among themſelves, came as naturally to hold their meetings apart; and aſſembled frequently, when the occaſion was not ſufficient to engage the attention of the whole.—There is one remarkable difference between the Germans and the Greeks. Among the former, the prieſts were a diſtinct body, and ſeem to have had more deciſive authority than the kings, nobles, or people, in the general aſſemblies—"Silentium per ſacerdotes, quibus tum et coercendi jus eſt, imperatur:" whereas, among the latter, the kings were themſelves at the head of the prieſthood.

In this ſecond kind of German governments, we ſee the three orders of king, nobles, and commons, diſtinctly marked, but no balance fixed, no delineation of the powers of each: which left room for each to claim the ſovereignty, as we know they afterwards did; at leaſt the king and

Night now approaching, in the palace ſtand,
With goblets crown'd, the rulers of the land, &c.
Od. viii. 182.

The nobles gaze, with awful fear oppreſt;
Silent they gaze, and eye the godlike gueſt, &c.
Od. viii. 192.

Pleas'd with his people's fame the monarch hears,
And thus benevolent accoſts the peers, &c.
Od. viii. 421.

Th' aſſenting peers, obedient to the king,
In haſte their heralds ſend the gifts to bring.
Od. viii. 433.

The precious gifts th' illuſtrious heralds bear,
And to the court th' embodied peers repair.
Od. viii. 453.

Then to the radiant thrones they move in ſtate,
Aloft the king in pomp imperial ſate.
Od. viii. 457.

We muſt not forget the poet, who, with his inſpiration from the Muſes, was a principal ſupport of every Grecian king. It was the bard who ſung the praiſes of the king, and propagated the opinion that he was ſprung from Jupiter, and inſtructed as well as dearly beloved by him.

The bard an herald guides; the gazing throng
Pay low obeiſance as he moves along.
Od. viii. 515.

Beneath a ſculptur'd arch he ſits enthron'd,
The peers, encircling, form an awful round.

Lives

Lives there a man beneath the ſpacious ſkies,
Who ſacred honours to the bard denies?
The Muſe the bard inſpires, exalts his mind;
The Muſe, indulgent, loves th' harmonious kind.
O, more than man! thy ſoul the Muſe inſpires,
Or Phœbus animates with all his fires.
Od. viii. 532.

Every peer, in his own diſtrict or ſtate, had another ſubordinate council, and a people; ſo that the three powers, of the one, the few, and the many, appeared in every archonſhip; and every archon, in his own diſtrict, claimed his office to be hereditary in his family: and all the archons agreed together to ſupport each other in this claim, even by arms. This, therefore, was rather a confederacy of thirteen little kingdoms, than one great one. The firſt archon of the confederation was called king of all the people, and claimed his office as hereditary, and often as abſolute. The other archons were always diſpoſed to diſpute the hereditary deſcent, and to make it elective. The ſubordinate councils of the archons, in their ſeveral diſtricts, were probably often diſpoſed to deny their offices to be hereditary, and to inſiſt upon elections. Ulyſſes, who was himſelf one of the greateſt and ableſt of the Grecian kings, diſcovers his perfect knowledge of the hearts of Alcinous, his queen, and nobles, in the compliment he makes them. Addreſſing himſelf to the queen, the daughter of great Rhexenor,

To thee, thy conſort, and this royal train,
To all that ſhare the bleſſings of thy reign,
* * * * * *
So may the gods your better days increaſe,
And all your joys deſcend on all your race;

So

So reign for ever on your country's breaſt,
Your people bleſſing, by your people bleſt.

This ſupplication was addreſſed to the king and queen, the princes, archons, dukes, counts, barons, peers, call them by what name you pleaſe, and it concludes with a compliment very flattering to all. Ulyſſes knew the ruling paſſion of Grecian kings and nobles to be, that their dignities, even ſuch as had been conferred by the election of the people, ſhould become hereditary. Mr. Pope has diſguiſed this ſentiment, and made it conformable to the notions of Engliſhmen and Americans; but has departed from the ſenſe of Homer, and from the fact:

"May you tranſmit to your children your "poſſeſſions in your houſes, and whatever gifts, "rewards, or honours the people hath given "you."

It is plain the kings claimed an hereditary right; yet the ſucceſſion was ſometimes ſet aſide in favour of ſome other noble, or branch of the royal blood: and perhaps it was always ſet aſide when any one of the nobles had more power than the heir apparent. The nobles, too, claimed their honours to be hereditary; and they generally were ſo: but the people were ſometimes bold enough to ſet up competitors, and give them trouble. But, perhaps, there were never any very formal elections; preſenting a ſucceſſor, in preſence of the king and the other nobles, to the people for their acclamations, was probably the moſt that was done: for as there were no records, nor written conſtitution, or laws, the right of kings, archons, and people, muſt have been very looſe and undefined.

LETTER

LETTER XXXIX.

HOMER.

ITHACA.

DEAR SIR,

THE court of Ithaca, in the abſence of Ulyſſes, is an admirable example of the intrigues of the archons, and their inſatiable ambition. The throne of Ithaca, and the ſcepter of Laertes and former kings, were the objects which had ſo many charms in the eyes of the ſuitors; and Penelope's hand was chiefly courted, becauſe that would reconcile the archon who ſhould poſſeſs her to the ſuperſtition of the people, and enable them to wield the ſceptre. The ſuitors deny the ſcepter to be hhereditary; and Telemachus himſelf is doubtful: he threatens, indeed, to call a council or aſſembly of the people, but is afraid to truſt them; for fear they ſhould ſet up ſome other Grecian prince, whoſe blood might be nearer that of their ancient kings.

To tempt the ſpouſeleſs queen with amorous wiles,
Reſort the nobles from the neighbouring iſles;
From Samos, circled with th' Ionian main,
Dulichium, and Zacynthus' ſylvan reign:

Ev'n

Ev'n with preſumptuous hope her bed t' aſcend,
The lords of Ithaca their right pretend.
Od. i. 315.

My ſentence hear; with ſtern diſtaſte avow'd,
To their own diſtricts drive the ſuitor crowd.
Od. i. 352.

I to the peers aſſembled ſhall propoſe
The firm reſolve I here in few diſcloſe;
No longer live the cankers of my court,
All to your *ſeveral ſtates* with ſpeed reſort;
Waſte in wild riot what *your land* allows,
There ply the early feaſt and late carouſe.
Od. i. 475.

If ruin to our royal race ye doom,
Be you the ſpoilers, and our wealth conſume;
Then might we hope redreſs from juſter laws,
And raiſe all Ithaca to aid our cauſe:
But while your ſons commit th' unpuniſh'd wrong,
You make the arm of violence too ſtrong.
Od. ii. 83.

Elect by Jove his delegate of ſway,
With joyous pride the ſummons I'd obey.
Should factious pow'r diſpute my lineal right,
* * * * * *
Some *other Greeks* a fairer claim may plead,
To your pretence their title would precede.
At leaſt, the ſcepter loſt, I ſtill ſhould reign
Sole o'er my vaſſals and domeſtic train.
Od. i. 501.

To heaven alone
Refer the choice to fill the vacant throne;
Your

Your patrimonial ſtates in peace poſſeſs,
Undoubted all your filial claim confeſs:
Your private right ſhould impious power invade,
The peers of Ithaca would arm in aid.
Od. i. 509.

It is thus agreed on all hands, that, as one of the archons, his hereditary title of his eſtates, vaſſals, and government, was indiſputable. This was the common cauſe of all the archons, and they would arm in ſupport of the claim of any one. But the throne and ſcepter of Ithaca were to be diſpoſed of by augury, by the will of Jove, ſignified by ſome omen. To this Telemachus pays ſome reſpect, but ſtill inſiſts on his right of blood; and ſays, that if the omen ſhould be unfavourable to him, it would not promote the hopes of any of the archons of Ithaca; but ſome other Greeks, nearer of kin to the royal blood, would ſet up their claims. The archons, not likely to ſucceed in their ſcheme of getting the ſcepter by the marriage of Penelope, nor by perſuading Telemachus to ſubmit the queſtion to Jupiter and his omens, and afraid to appeal to the people, or to call them out in arms to diſpute the ſucceſſion, knowing the family of Laertes and Ulyſſes to be more popular than themſelves, they take the reſolution to aſſaſſinate the young prince.

But die he ſhall; and, thus condemn'd to bleed,
Be now the ſcene of inſtant death decreed:
Wait ye till he to arms in council draws
The Greeks, averſe too juſtly to our cauſe;
Strike, ere the ſtates conven'd the foe betray,
Our murd'rous ambuſh on the wat'ry way.

Or

Or chooſe, ye vagrant, from their rage to fly,
Outcaſts of earth, to breathe an unknown ſky?
But if ſubmiſſive you reſign the ſway,
Slaves to a boy, go flatter and obey;
Retire we inſtant to our native reign,
Nor be the wealth of kings conſum'd in vain.
Od. xvi. 386.

Telemachus had before declared, that if any archon of Ithaca, or any other Greek, obtained the ſcepter, he would no longer remain in the confederation, but would reign ſeparately over his paternal domain. Now Antinous declares, that if the reſt of the archons ſubmit to the boy, he will not, but will retire to his native archonſhip.

Amphinomus aſcends,
Whoo'er Dulichium ſtretch'd his ſpacious reign,
A land of plenty, bleſs'd with ev'ry grain.
O friends, forbear, and be the thought withſtood!
'Tis horrible to ſhed imperial blood;
Conſult we firſt th' all-ſeeing pow'rs above,
And the ſure oracles of righteous Jove.

Neither in Poland nor in Venice was the ariſtocratical rage to render weak, unſteady, and uncertain, the royal authority, more conſpicuous than it was here. They were afraid of the people and the auguries; but neither was a legal check: and we ſhall ſee hereafter, that theſe ſtruggles of the archons very ſoon aboliſhed every monarchy in Greece, even that of Sparta, until it was renewed upon another plan by Lycurgus. And the ſame progreſs of paſſions, through ſeditions, rebellions, and maſſacres, muſt, for ever, take

take place in a body of nobles againſt the crown, where they are not effectually reſtrained by an independent people, known and eſtabliſhed in the legiſlature, collectively or by repreſentation.

That the Grecian kings, claiming from Jupiter, and ſupported by their auguries and bards, thought themſelves abſolute, and often puniſhed the crimes of the archons very tyrannically, is true.—Ulyſſes is an example of it. Inſtead of bringing the ſuitors to trial before the nation, or their peers, he ſhoots them all, without judge or jury, with his own bow.—A more remarkable aſſertion of a claim to abſolute monarchy cannot be imagined.

Antinous would retire to his native diſtrict, and ſpend his revenues among his own people, not conſume his royal wealth by attendance at a court of a confederation which would be no longer to his taſte. This was a popular ſentiment in his own dominions; his people wiſhed to have their king reſide among them, and were very willing to have the confederacy broken. This principle it was that afterwards crumbled all the Greek confederations to duſt.

LETTER XXXIX.

ANCIENT MONARCHICAL REPUBLICS.

HOMER.

MY DEAR SIR,

THE ſimilitude between the ancient Greek monarchies, as they are generally called, though the predominance of ariſtocracy in all of them is very manifeſt, and the feudal ariſtocracies deſcribed by Tacitus, is very obvious. The democratical power is nevertheleſs much more regular, though not independent, in the latter; for, in addition to what is before quoted, it appears, that the judicial authority was commonly exerciſed in national aſſemblies—"Licet apud "concilium accuſare quoque, et diſcrimen capi- "tis intendere. Diſtinctio pœnarum ex delicto, "proditores et transfugas arboribus ſuſpendunt; "ignavos, et imbelles, et corpore infames, cœno "ac palude, injecta inſuper crate, mergunt. Di- "verſitas ſupplicii illuc reſpicit, tanquam ſce- "lera oſtendi opporteat dum puniuntur, flagitia "abſcondi. Sed et levioribus delictis, pro modo "pœnarum, equorum pecorumque numero con- "victi multantur; pars multæ, regi vel civitati, "pars ipſi qui vindicatur vel propinquis ejus "exſolvitur."

Although the mixture of monarchy, ariſtocracy, and democracy, is viſible in the republic of

of Phæacia, yet the king appears little more among the archons than the firſt among equals, and the authority of the people is ſtill more faint and feeble. In Ithaca there appears a ſtrong claim of ſovereignty in the king, and as ſtrong a pretenſion to it in the archons; and, although the people are dreaded by both, and their claim to interfere in the diſpoſition of the crown is implicitly acknowledged, yet it ſeems rather to be as judges of certain religious ceremonies, by which the will of Jupiter was to be collected, than as any regular civil authority.

Homer was a royaliſt, at leaſt as much as Plato and Ariſtotle:

" Jove loves our chief, from Jove his honour ſprings,
" Beware! for dreadful is the wrath of kings.
" Be ſilent, wretch! and think not here allow'd
" That worſt of tyrants, an uſurping crowd:
" To one ſole monarch Jove commits the ſway;
" His are the laws—and him let all obey.

Il. ii. 233—241.

The name of a republic is not found in any of his writings: yet, in every Grecian government deſcribed by him, we find a mixture, not only of an ariſtocracy, conſiſting in a council of princes, but of a democracy, in an aſſembly of the people.

Agamemnon, in the ſecond Iliad, calls together the whole body:

Bid him in arms draw forth th' embattled train,
Lead all his Grecians to the duſty plain.

The king diſpatch'd his heralds with commands
To range the camp, and ſummon all the bands.
The gath'ring hoſts the monarch's word obey,
While to the fleet Atrides bends his way:
In his black ſhip the Pylean prince he found,
There calls a ſenate of the peers around.
Th' aſſembly plac'd, the king of men expreſt
The counſels labouring in his artful breaſt:
Friends and confed'rates! with attentive ear
Receive my words, and credit what you hear;
Ill fits a chief who mighty nations guides,
Directs in councils, and in war preſides,
To whom its ſafety a whole people owes,
To waſte long nights in indolent repoſe.
Now, valiant chiefs! ſince Heav'n itſelf alarms,
Unite, and rouſe the ſons of Greece to arms;
But firſt with caution try what yet they dare,
Worn with nine years of unſucceſsful war.
To move the troops to meaſure back the main,
Be mine, and yours the province to detain.

———The kings, without delay,
Diſſolve the council, and their chief obey.
The ſcepter'd rulers lead; the following hoſt,
Pour'd forth by thouſands, darken all the coaſt.
Nine ſacred heralds now, proclaiming loud
The monarch's will, ſuſpend the liſt'ning crowd.
The king of kings his awful figure rais'd,
High in his hand the golden ſcepter blaz'd—
Ye ſons of Mars! partake your leader's care,
Heroes of Greece, and brothers of the war,
Fly, Grecians, fly! your ſails and oars employ,
And dream no more of heaven-defended Troy!
His deep deſign unknown, the hoſts approve
Atrides' ſpeech;—the mighty numbers move.

It appears from the whole narration, that the great body of the people were diſcontented, and deſirous of raiſing the ſiege. The king, alarmed, was obliged to call them together, with an artful deſign to obtain their conſent to perſevere. He feigns an intention to return home; the people were rejoiced at it. Then Ulyſſes and the other chiefs, in concert with Agamemnon, receives the ſcepter of command, and endeavours to perſuade the people to make another effort. To this end Ulyſſes harangues them:

He runs, he flies through all the Grecian train:
Each prince of name, or chief in arms approv'd,
He fir'd with praiſe, or with perſuaſion mov'd.
But if a clamorous vile plebeian roſe,
Him with reproof he check'd, or tam'd with blows:
Be ſtill, thou ſlave, and to thy betters yield,
Unknown alike in council or in field!
Ye gods! what daſtards would our hoſt command!
Swept to the war, the lumber of the land.
Be ſilent, wretch! and think not here allow'd
That worſt of tyrants, an uſurping crowd.
With words like theſe the troops Ulyſſes rul'd,
The loudeſt ſilenc'd, and the fierceſt cool'd.
Back to th' aſſembly roll the thronging train,
Deſert the ſhips, and pour upon the plain.
Therſites only clamour'd in the throng,
Loquacious, loud, and turbulent of tongue:
Aw'd by no ſhame, by no reſpect controul'd,
In ſcandal buſy, in reproaches bold,
With witty malice, ſtudious to defame,
Scorn all his joy, and laughter all his aim:

But chief he gloried, with licentious ſtile
To laſh the great, and monarchs to revile.
Spleen to mankind his envious heart poſſeſt,
And much he hated all, but moſt the beſt;
Ulyſſes or Achilles ſtill his theme,
But royal ſcandal his delight ſupreme.
Long had he liv'd the ſcorn of ev'ry Greek,
Vext when he ſpoke, yet ſtill they heard him ſpeak.

If from this only, and the ſubſequent harangue of Therſites, we were to form a judgement, we ſhould conclude, that popular aſſemblies were very frequent, and that the freedom of ſpeech in them was far advanced and well eſtabliſhed; but the furious anſwer of Ulyſſes, and the unmerciful flogging he gives him for his boldneſs, in the face of the whole aſſembly, which is applauded univerſally, ſhews, that the demagogues had yet but very little influence, very little courage, and that popular aſſemblies had as yet very little conſtitutional power.

The principles of government were very little underſtood, and all the political inſtitutions extremely confuſed, in the times of the Trojan war, and from thence to Homer's time.—Nothing was preciſely defined; no laws were written. The moſt diſtinct rules which are now to be traced, were a ſupremacy in kings, in religion and war: ſometimes they exerciſed judicial power. Monarchies were generally hereditary; yet a right of the nation to interfere, and alter the ſucceſſion, is admitted. The right of the ſons of the archons to ſucceed to their eſtates and diſtricts, was an agreed point among them; but theſe very archons choſe to keep open to competition the ſucceſſion

to the throne, ſo that there might always be room for the pretenſions of the moſt powerful, who would eaſily make themſelves thought the moſt worthy. The moſt celebrated kings, when advanced in years, and unable to ſuſtain the fatigues of war, and cares of government, were obliged to reſign their power. The anxiety of Achilles, expreſſed to Ulyſſes in the ſhades, is a proof of this:

Say, if my ſire, the reverend Peleus, reigns
Great in his Pthia, and his throne maintains?
Or, weak and old, my youthful arm demands
To fix the ſcepter ſtedfaſt in his hands?
Oh, might the lamp of life re-kindled burn,
And death releaſe me from the ſilent urn!
This arm, that thunder'd o'er the Phrygian plain,
And ſwell'd the ground with mountains of the ſlain,
Should vindicate my injur'd father's fame,
Cruſh the proud rebel, and aſſert his claim!
Od. ii. 605.

Kings and their families, claiming their deſcent and power from Jupiter, contended very naturally and conſiſtently, that the one was hereditary, and the other abſolute; and accordingly, when the prince who ſwayed the ſcepter was active, brave, and able, he kept the archons in awe, and governed as he pleaſed; but when he was feeble, the archons grew ambitious, diſputed the ſucceſſion, and limited the royal power. To this end both they and the kings, or heirs of kings, ſometimes looked to the people, and ſeemed to admit in them a right to be preſent

at the religious ceremonies by which the will of Jupiter was to be declared; for all parties agree, that the will of Jupiter confers the ſcepter, not the mere election of the people.

The right of primogeniture was favoured by popular opinion, as well as hereditary deſcent, becauſe the family was the family of Jupiter, related to him, and deſcended from him by blood; and it was natural to ſuppoſe, that Jupiter's inclinations for deſcent and primogeniture reſembled thoſe of other fathers of families.

The chiefs, who are all called kings, as well as the head of them, or archons, were like the Teutonic counts or feudal barons, who exerciſed royal rights within their own diſtricts, ſtates, or ſeparate territories. This principle preſerved the real and legal power chiefly in their hands, and conſtituted the whole government more properly an ariſtocracy than a royalty. This gave an uncontroulable pride to theſe nobles, which could not willingly ſubmit to the pretenſions of the kings (as repreſentatives of Jupiter) to omnipotence, at leaſt to unlimited power. Hence the continual ſtruggle between the kings and archons, from Homer's time to that great and memorable revolution throughout Greece, from monarchy to ariſtocracy; that is, from kings to archons. The people not yet poſſeſſing nor claiming an authority ſufficiently regular and independent to be a check to monarchy or ariſtocracy, the latter at laſt prevailed over the former, as it ever did, and ever will, where the conteſt is merely between theſe two.

The people, only in extraordinary caſes, in the moſt eſſential matters, and when the chiefs were greatly divided, were at all conſulted; yet, in the courſe

courſe of the ſtruggle between the kings and archons, the multitude were ſo often called upon, and ſo much courted, that they came by degrees to claim the whole power, and prepared the way, in many of the Grecian ſtates, for another ſubſequent revolution, from ariſtocracy to democracy.

Through the whole of Tacitus and Homer, the three orders are viſible both in Germany and Greece; and the continual fluctuations of law, the uncertainty of life, liberty, and property, and the contradictory claims and continual revolutions, aroſe entirely from the want of having the prerogatives and privileges of thoſe orders defined, from the want of independence in each of them, and a balance between them.

LETTER XL.

ANCIENT ARISTOCRATICAL REPUBLICS.

LACEDÆMON.

MY DEAR SIR,

FROM the days of Homer to thoſe of Licurgus, the governments in Greece were monarchical in name and pretenſion, but ariſtocratical in reality. The archons were impatient of regal government, conſtantly ſtruggling againſt their kings; and had prevailed in every other city, except

except Sparta, to aboliſh the royal authority, and ſubſtitute an ariſtocracy of archons in its place. In Lacedæmon, too, where there were eight-and-twenty archons contending againſt two kings, they had brought the whole country into the utmoſt confuſion. The circumſtance of two kings, which, perhaps, prolonged the regal power longer in Sparta than in any other city, originated in the fondneſs of a mother. Ariſtodemus, one of the deſcendents of Hercules, to whoſe ſhare Laconia fell, upon the diviſion of the Peloponneſus, after the return of that family from baniſhment, leaving twin ſons, Euriſthenes and Procles, their mother refuſing to determine which had the right of primogeniture, it was agreed that both ſhould ſucceed to the crown with equal authority, and that the poſterity of each ſhould inherit. The nobles took advantage of all the jealouſies which aroſe between the two families, obliged each to court them, and from time to time to make them conceſſions, until the royal authority was loſt; and as the archons could not agree, each party now began to court the people, and univerſal anarchy prevailed.

Lycurgus, of the family of Procles, and only in the tenth deſcent from Hercules, ſucceeded his brother Polidectes; but being told his brother's widow was with child, he declared himſelf protector only, and reſigned the crown. Such a diſintereſted indifference to a crown in any one of royal or noble blood, was ſo unexampled in that age, that no wonder it was much admired and very popular. The ambitious princeſs, his ſiſter, offered to marry him, and remove out of his way the only competitor by procuring an abortion. He deceived her by counterfeited tenderneſs, and diverted her from the thoughts of an abortion, by promiſing

promiſing to take the diſpoſition of the child upon himſelf when it ſhould be born. The infant was ſent to him when at ſupper with the principal magiſtrates: he took it in his arms, and cried, "A "king, Spartans, is born to you," and placed it in his own ſeat. The company were touched at the tenderneſs of the ſcene, and fell into a tranſport of enthuſiaſm, both of piety to the blood of Hercules, and admiration of the diſintereſted integrity of Lycurgus, who, like an able ſtateſman, perpetuates the memory of the event, and the joy at it, by the name with which, upon the ſpot, he chriſtens the boy, Charilaus, *the people's joy*. But all this exalted merit, added to his acknowledged divine deſcent, and the undoubted poſſeſſion of royal power, were not ſufficient to over-awe the jealouſy of the nobles, a ſtrong party of whom joined the irritated queen and her brother, and raiſed continual factions againſt him. Weary of cabals, and ſtimulated with a thirſt for knowledge, he determined to travel; viſited Crete and Egypt, the two ſources of the theology and policy of Greece; and brought home with him, on his return to his own country, Thales the poet, and the writings of Homer, with the reſolution of adopting the martial diſcipline and political liberty which he read in the poet, and had ſeen exemplified in Crete. Nothing could be better calculated than his two poets, to inſpire the nation with that enthuſiaſm which he wanted, and confirm the belief, that kings were from Jupiter, and beloved by him, excepting the reſponſe of the oracle, which he took care to procure: "Wel- "come, Lycurgus, to this happy place; thou "favourite of Heaven! I ſtand in doubt whether "I ſhall pronounce thee god or man: inclining "ſtill to think thou art a god!"—Herodotus.

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The diſorders in Sparta were now become inſupportable; the kings had as little authority as the laws. All parties, except the two kings, in deſpair of their private ſchemes, applied to the great legiſlator, pointed out to all, by his divine original, the inſpiration of Homer and Thales, his own integrity, wiſdom, knowledge, and commanding authority over the minds of men, as well as his ſpecial divine miſſion pronounced by the oracle, to be the only man capable of new-modelling the conſtitution.

In Crete he had acquired a deep inſight into human nature, at leaſt he had informed himſelf fully of the length and breadth, the height and depth, of the paſſion of ambition in the human heart; that complication of affections, which is called by ſo many names; the love of eſteem, of praiſe, of fame, of glory; that ſenſe of honour in which Monteſquieu tells us monarchies are founded; which Tacitus tells us made the ancient Teutons ſubmit quietly to be ſold by their inferiors, when they had gambled away their liberty; which at this day enforces ſo punctual a payment of debts of honour contracted at play; which ſupports, againſt all laws throughout Europe, the cuſtom of duelling, and produces more ſuicides than any other cauſe; which is commonly known by the denomination of *the point of honour*, and may with as much propriety be called ambition;-- Lycurgus appears to have underſtood better than any other legiſlator, and to have made the foundation of his inſtitution: for this reaſon, Plato with great propriety calls it "The ambitious Republic."

Lycurgus in ſecret conſulted the nobles, but not the kings; formed a powerful party, called an aſſembly of the people, before whom his friends

appeared in arms. Charilaus and Archilaus were not in the ſecret, but found themſelves obliged to ſubmit. What is all this but a body of nobles completing, by the aid of Lycurgus, that abolition of monarchy which they had been purſuing for ages, unreſtrained by any legal check in the people, and unreſiſted by any adequate power in the crown? But what was his new inſtitution?

In compliance with old prejudices, and from attachment to his family, he confirmed the two families on the throne, eſtabliſhed the hereditary deſcent of the crown, but limited its authority. The kings were to continue high prieſts, to be commanders in chief of the armies, and preſidents of the ſenate. Charilaus and Archilaus, terrified by the fate of all the other kings of Greece, agreed to accept of a certain, though limited authority, in lieu of pretenſions more abſolute and more precarious.

The ancient dignities of the nobles were confirmed and enlarged: a ſenate of eight-and-twenty of their chiefs was formed, at the head of whom the two kings were placed. To the people he committed the election of future ſenators; but as the preſent twenty-eight were for life, and the influence of kings and ſenators would be commonly uſed with great unanimity in favour of the eldeſt ſon, to fill up a vacancy made by the death of his father; and as the people were not permitted to debate, their choice was, perhaps, little more than a conſent by acclamations to a nomination made by the king, and amounted to the ſame thing with an hereditary houſe of peers. To this ſenate the whole executive power was committed, and the moſt important part of the legiſlative; for as all laws were to originate there only, they had a negative before debate. Here

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is, indeed, all authority nearly collected into one center, and that center the nobility; for the king was but the firſt among equals, having no negative upon the ſenate. If the legiſlature had reſted here, his inſtitution would have been in effect a ſimple hereditary oligarchy, poſſeſſed of the whole legiſlative, executive, and judicial power; and probably as reſtleſs as ever to reduce the kings to elections for life, or years, and then to take from them the power of religion, the command of armies, and then to change the title from king to archon, or from the family of Hercules to other houſes. With a view to counterbalance this dangerous authority, he inſtituted aſſemblies of the people, but intruſted them only with the power of confirming or rejecting what the ſenate propoſed, and expreſsly forbade them all debate. The citizens were to give their ſimple ayes or noes without being allowed to ſpeak, even ſo far as to give a reaſon for their vote. He inſtituted, moreover, as a farther check upon the ſenate, five magiſtrates to inſpect the adminiſtration, and maintain the conſtitution; to convoke, prorogue, and diſſolve both the greater aſſembly of the people, compoſed of nine thouſand inhabitants of the city, and the leſſer, conſiſting of thirty thouſand inhabitants of the country or inferior villages. Theſe magiſtrates were called the ephori, and were to be annually appointed. But the lawgiver ſaw that the king and people were both too weak, and the ſenate would ſtill have power to ſcramble after both; he therefore contrived a kind of ſolemn alliance to be perpetually renewed between the monarchical and democratical branches, by which the ſenate might be awed into moderation. He ordered an oath to be taken every month by the kings and the ephori: the former

former ſwore to obſerve the laws, and the latter ſwore, for themſelves and the people whom they repreſented, to maintain the hereditary honours of the race of Hercules, to revere them as miniſters of religion, to obey them as judges, and follow them as leaders. This was indeed a balance founded in opinion and in religion, though not a legal and independent check, as it was not a negative in either. In this conſtitution then were three orders, and a balance, not indeed equal to that of England, for want of a negative in each branch, but the neareſt reſembling it of any we have yet ſeen. The kings, the nobles, the ſenate, and the people in two aſſemblies, are ſurely more orders than a governor, ſenate, and houſe. The balance here attempted was as ſtrong as religion operating on human nature could make it, though not equivalent to a negative in each of the three branches. Another balance was attempted, in the rigorous ſeparation of the city from the country, in two aſſemblies: it avoided the danger of jealouſies between town and country in the deliberations of the people, and doubled the chances both of the monarchy and democracy, for preſerving their importance in caſe of encroachments by the ſenate. If the ſenate and nobles ſhould prevail in one aſſembly of the people ſo far as to carry any unconſtitutional point, the kings and ephori would find a reſource in the other to lead them back. The Lacedæmonian republic may then, with propriety, be called monarchical, and had the three eſſential parts of the beſt poſſible government; it was a mixture of monarchy, ariſtocracy, and democracy. It failed, however, in that eſſential particular, the balance. The ariſtocracy had a legal power, ſo eminent above that of king or people, that it would ſoon have annihilated

lated both, if other precautions had not been taken, which deſtroyed all the real merit of this celebrated inſtitution. That the glory of the deſcendents of Hercules, and of their republic, might be the pride of every citizen, and that a ſuperſtitious attachment to both might be perpetuated, it was neceſſary to extinguiſh every other appetite, paſſion, and affection, in human nature. The equal diviſion of property; the baniſhment of gold and ſilver; the prohibition of travel, and intercourſe with ſtrangers; the prohibition of arts, trades, and agriculture; the diſcouragement of literature; the public meals; the inceſſant warlike exerciſes; the doctrine, that every citizen was the property of the ſtate, and that parents ſhould not educate their own children;—although they ſerved to keep up the conſtant belief of the divine miſſion of Lycurgus, and an enthuſiaſtic paſſion for the glory of the republic, and the race of Hercules; and although they are celebrated by the ariſtocratical philoſophers, hiſtorians, and ſtateſmen of antiquity; muſt be conſidered as calculated to gratify his own family pride, rather than promote the happineſs of his people. Four hundred thouſand ſlaves muſt be devoted to forty thouſand citizens; weak and deformed children muſt be expoſed; morality and humanity, as well as all the comforts, elegancies, and pleaſures of life, muſt be ſacrificed to this glaring phantom of vanity, ſuperſtition, and ambition. Separated from the reſt of mankind, they lived together, deſtitute of all buſineſs, pleaſure, and amuſement; but war and politics, pride and ambition; and theſe occupations and paſſions they tranſmitted from generation to generation for ſeven hundred years; as if fighting and intriguing, and not life and happineſs, were the end of man, and ſociety;

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as if the love of one's country and of glory were amiable paſſions, when not limited by juſtice and general benevolence; and as if nations were to be chained together for ever, merely that one family might reign among them. Whether Lycurgus believed the deſcent of his anceſtor from Jupiter, the divine inſpiration of Homer and Thales, or the divinity of the Oracle, any more than Mahomet believed his divine miſſion, may well be doubted. Whether he did or not, he ſhackled the Spartans to the ambitious views of his family for fourteen ſucceſſions of Herculean kings, at the expence of the continual diſturbance of all Greece, and the conſtant miſery of his own people. Amidſt the contradictions of ancient and modern writers, that account has been followed concerning the inſtitution of the ephori, which appears moſt favourable to Lycurgus. The Roman tribunes, and, perhaps, the Venetian inquiſitors, were borrowed from this inſtitution.

Human nature periſhed under this frigid ſyſtem of national and family pride. Population, the ſureſt indication of national happineſs, decreaſed ſo faſt, that not more than one thouſand old Spartan families remained, while nine thouſand ſtrangers had intruded in ſpite of all their prohibitory laws. The conqueſt of Athens gave them a taſte of wealth, and even the fear of the penalty of death could not reſtrain them from travelling. Intercourſe with ſtrangers brought in foreign manners. The ephori were ſometimes bribed. Diviſions aroſe between the two kings, Agis and Leonidas; one joined with the people, the other with the nobles, and the ſedition proceeded to blood. Kings became ſo fond of ſubſidies from foreign powers, that Ageſilaus received them from a king of Egypt, and his enemy at the ſame

time. Agis was murdered by the order of the ephori, who, inſtead of honouring the blood of Hercules, according to their oath, took the ſovereign power into their own hands.—Here the balance broke; Cleomenes, who endeavoured like Agis, to reſtore the old laws and maxims, fell a ſacrifice, and nothing appears afterwards in the hiſtory of Sparta but profligacy, tyranny, and cruelty, like that in Rome under the worſt of the Cæſars.

The inſtitution of Lycurgus was well calculated to preſerve the independence of his country, but had no regard to its happineſs, and very little to its liberty. As the people's conſent was neceſſary to every law, it had ſo far the appearance of political liberty; but the civil liberty of it was little better than that of a man chained in a dungeon; a liberty to reſt as he is. The influence of this boaſted legiſlation on the human character was to produce warriors and politicians, and nothing elſe. To ſay that this people were happy, is to contradict every quality in human nature, except ambition. They had no other gratification: ſcience and letters were ſacrificed, as well as commerce, to the ruling paſſion; and Milton had no reaſon to "wonder how muſeleſs and unbookiſh "they were, minding nought but the feats of "war," ſince it was not ſo much becauſe Lycurgus was "addicted to elegant learning, or "to mollify the Spartan ſurlineſs with ſmooth "ſongs and odes, the better to plant among "them law and civility," that he brought the ſcattered works of Homer from Ionia, and Thales from Crete, but merely to propagate his own and his family impoſture. The plan was profound, and means were, with great ability, fitted to the end: but as a ſyſtem of legiſlation, which ſhould never

never have any other end than the greateſt happineſs of the greateſt number, *ſaving to all their rights*, it was not only the leaſt reſpectable, but the moſt deteſtable in all Greece. To do it juſtice, however, it is much to be deſired, that exerciſes like thoſe eſtabliſhed by Lycurgus, running, wreſtling, riding, ſwimming, ſcating, fencing, dancing, ſhould be introduced into public and private education in America, which would fortify the bodies and invigorate the minds of youth; inſtead of thoſe ſedentary amuſements which debilitate, and are taking entire poſſeſſion of ſociety all over the world. The ladies, too, might honour ſome of theſe entertainments, though not all, with their preſence and participation, to the great advantage of their own health, and that of poſterity, without injury to their charms, or their reputations. But, above all, the exiſtence of an all-perfect Intelligence, the parent of nature, the wiſe and moral ruler of it; the reſponſibility of every ſubordinate intellectual and moral agent; a future ſtate of rewards and puniſhments; and the ſacred obligations of oaths, as well as of the relative duties of ſocial life, cannot be too clearly fixed by rational arguments in the minds of all the citizens. In this reſpect Lycurgus merits praiſe.

But as a civil and political conſtitution, taken all together, it is infinitely inferior to another which Americans have taken for their model. The Engliſh conſtitution is the reſult of the moſt mature deliberation on univerſal hiſtory and philoſophy. If Harrington's council of legiſlators had read over the hiſtory, and ſtudied the conſtitution of every nation ancient and modern, remarked the inconveniencies and defects of each, and bent the whole force of their invention to diſcover a

remedy for it, they would have produced no other regulations than thoſe of the Engliſh conſtitution in its theory, unleſs they had found a people ſo circumſtanced as to be able to bear annual elections of the king and ſenate. This improvement the Americans, in the preſent ſtage of ſociety among them, have ventured on; ſenſible, however, of the danger, and knowing perfectly well a remedy, in caſe their elections ſhould become turbulent. Of this, at preſent, there is no appearance.

LETTER XLI.

ANCIENT DEMOCRATICAL REPUBLICS.

ATHENS.

MY DEAR SIR,

CECROPS, an Egyptian, conducted a colony that ſettled in Athens, and firſt engaged the wandering ſhepherds and hunters of Attica to unite in villages of huſbandmen. Although the government of Egypt was an abſolute monarchy, he found it neceſſary to eſtabliſh his own upon a more limited plan.

The two rival families of Perſeus and Pelops anciently contended for the dominion of the Grecian peninſula. The fortune of the deſcendants of the latter prevailed, and their ſuperior proſperity led them to perſecute their enemies. The deſcendants of Hercules, who was a ſon of Jupiter by Alcmena, of the line of Perſeus, was ſtripped of all their poſſeſſions, and driven into exile. After a ſeries of misfortunes, Temenus, Creſphontes, and

and Ariſtodemus, deſcendants, in the fifth degree, from Hercules, conducted an expedition into Greece, and conquered the whole country.

The governments of the little ſtates of Greece, in the firſt ages, though of no very regular and certain conſtitution, were all limited monarchies. When, therefore, the Heraclides poſſeſſed themſelves of Peloponneſus, they eſtabliſhed every where that hereditary limited monarchy, which was the only government aſſimilated to the ideas and temper of the age, and an equality among themſelves. Thoſe vigorous principles of ariſtocracy, and ſome traces of the ſpirit of democracy, which had always exiſted in the Grecian governments, began to ferment; and, in the courſe of a few ages, monarchy was every where aboliſhed: the very name of king was proſcribed; a republic was thought the only government to which it became men to ſubmit; and the term tyrant was introduced to denote thoſe who, in oppoſition to theſe new political principles, acquired monarchical authority. Abſolute monarchy was unknown as a legal conſtitution. The title of king implied a ſuperiority of lawful dignity and authority in one perſon, above all others, for their benefit, not a right of abſolute power. Legiſlation was never within their prerogative. A diſtinction of families into thoſe of higher and lower rank obtained very early throughout Greece, and no where more than at Athens, where, by the conſtitution of Theſeus, the eupatrides, or nobly-born, formed a diſtinct order of the ſtate with great privileges. Afterwards wealth became the principal criterion of rank, which amounted probably to the ſame thing, as the nobly-born were generally moſt wealthy. Every citizen in every Grecian ſtate was bound to military ſervice, as in modern times

among the feudal kingdoms. It was natural that the rich ſhould ſerve on horſeback; and this was the origin of knighthood both in ancient and modern nations. Where the noble or the rich held all the power, they called their own government ariſtocracy, or government of the better ſort, or optimacy, government of the beſt ſort. The people allowed the appellation of ariſtocracy only to thoſe governments where perſons, elected by themſelves for their merit, held the principal power. Democracy ſignified a government by all the freemen of the ſtate, or the people at large, forming in aſſembly the legal, abſolute ſovereign: but as this, above all others, was ſubject to irregularity, confuſion, and abſurdity, when unchecked by ſome balancing power lodged in fewer hands, it was called ochlocracy, or mob rule. Moſt of the Grecian ſtates had ſome mixture of two or more of theſe forms. The mixture of oligarchy and democracy, in which the former was ſuperior, yet the latter ſufficed to ſecure liberty and equal right to the people, might, according to Ariſtotle, be called ariſtocracy. That mixture where the democratic power prevailed, yet was in ſome degree balanced by authority lodged in ſteadier hands, is diſtinguiſhed by that great author by the name of polity. An equal mixture of all three was never known in Greece, and therefore never obtained a diſtinct name in that language.

A war happened between the Athenians and Peloponneſians; the armies were encamped near each other, and the Delphian oracle was conſulted. The anſwer of the Pythoneſs implied, that the Peloponneſians would be victorious, provided they did not kill the Athenian king. Codrus diſguiſing himſelf like a clown, with a faggot on his

ſhoulder, and a fork in his hand, determined to devote his life, entered the enemy's camp, and was killed. The Peloponneſian chiefs finding the body to be Codrus, and fearing the prophecy, withdrew their forces, and a peace enſued. Medon, the eldeſt ſon of Codrus, was lame; and bodily ability was held in ſo high rank in popular eſteem, that his younger brother diſputed the ſucceſſion. Each had a powerful party; but the diſpute brought forward a third, which was for aboliſhing the royalty, and having no king but Jupiter. Fatal diſſenſions were apprehended, when a declaration of the oracle was procured in favour of Medon; and it was amicably accommodated that Medon ſhould be firſt magiſtrate, with title of archon, but not king. Although the honour was to be hereditary, and that the archon ſhould be accountable to the aſſembly of the people for his adminiſtration, it was agreed that a colony ſhould be ſent to Aſia Minor under Nelius and Androclus, younger ſons of Codrus. The moſt reſtleſs ſpirits joined in the migration, and no further materials for hiſtory remain for ſeveral generations.

From the period where Homer's hiſtory ceaſes, to that in which the firſt proſe hiſtorians lived, a ſpace of 250 years, there is little light to be obtained. Twelve archons are named, who followed Medon by hereditary ſucceſſion, and filled up 300 years. On the death of Alcmeon, Charops was raiſed to the archonſhip, upon condition of holding it for ten years only. Six archons followed Charops, by appointment, for ten years; but on the expiration of the archonſhip of Eryxias, it was reſolved that the office ſhould be annual, and that there ſhould be nine perſons to execute it. They had not all equal dignity, nor the ſame functions;

one repreſented the majeſty of the ſtate, and was uſually called the archon; the ſecond had the title of king, and was head of the church; the polemarch was third, and chief of military affairs. The other ſix had the title of theſmothetes; they preſided as judges in ordinary courts of juſtice. The nine together formed the council of ſtate; here, methinks, I ſee the Poliſh nobles running down the king, or thoſe of Venice the doge, and dividing the ſpoils of his prerogatives among themſelves. Legiſlation was in the aſſembly of the people; but the whole adminiſtration, civil, military, religious, and judiciary, was with the archons, who were commonly appointed by lot; but ſometimes the aſſembly of the people interfered, and exerciſed the power of naming them. From the appointment of annual archons there was nothing but inteſtine troubles. That weight which, from earlieſt times, a few principal families poſſeſſed among the Attic people, and which was in a great degree confirmed to them by the conſtitution of Theſeus, remained, amid all the turbulence of democracy, to a late period. Among thoſe families the Alcmæonides, claiming ſome connection by blood with the perpetual archons and kings of the ancient Neleid line, were of great fame. Megacles, head of this family, was archon when Cylon, a man of a very ancient and powerful family, attempted to acquire the ſovereignty of his country. He ſeized the citadel of Athens with ſome troops he received from Theagerus, tyrant of Megara, whoſe daughter he had married. His vanity was excited not only by his birth and marriage, but his perſonal merit, having been victor in a chariot race at the Olympic games. The people ran to arms under their archons, and laid ſiege to the citadel. Cylon fled,

and

and his party fled to the altars: they were promiſed pardon, but condemned and executed. This was an atrocious infidelity, and made the actors in it as odious, as it rendered Cylon and his party again popular and powerful.

The miſeries of a fluctuating juriſprudence became inſufferable, and all parties united at laſt in the reſolution to appoint a lawgiver. Draco was raiſed to this important office; a man whoſe morals and integrity recommended him to the people, but whoſe capacity was equal to no improvement in the political conſtitution, and to no greater invention for reforming the judicatures, than that of inflicting capital puniſhments in all offences: and the knowing ones had no other remedy, than to get the oracle to pronounce that the laws of Draco were written in blood; an expreſſion which ſtruck the imagination and touched the heart, and therefore ſoon rendered this ſyſtem unpopular.

Salamis, perceiving the diviſions at Athens, revolted, and allied itſelf to Megara. Several attempts to recover it having failed, the lower people, in oppoſition to their chiefs, carried a law, making it capital to propoſe a renewal of the enterprize. Solon, of an ancient royal family, who had hitherto purſued nothing but literature and poetry, perceiving that this raſh act of the populace began to give general diſguſt and repentance, eſpecially to the young Athenians, ventured to lead the people to repeal it. He cauſed it to be reported that he was mad, and for ſome time kept his houſe: in this retirement he compoſed a poem, ſuch as he thought would excite the multitude; then watching his opportunity, during an aſſembly of the people, he ran into the Agora like one frantic,

frantic, mounted on a rock, and read his poem to the people. Some of his friends, who were in the ſecret, were preſent, and ready to wonder and applaud. The enthuſiaſm ſpread, the law was repealed, and an expedition ſent under Solon's friends, which, being ſkilfully conducted, recovered the iſland. But the party of Cylon were ſtill clamorous againſt the partiſans of Megacles for their breach of faith. Solon perſuaded the accuſed to ſubmit to a trial: they were condemned to baniſhment; but this puniſhment not being ſufficient to appeaſe the Deity, the bones of thoſe who had been executed were removed beyond the mountains. During theſe troubles Salamis was retaken. Superſtition now gained the aſcendant; phantoms and omens were ſeen, and expiations and purifications were neceſſary. Epimenides, a Cretan philoſopher of great reputation for religious knowledge, and an intimate friend of Solon, was invited to ſuperintend the religion of Athens. Epimenides was the oſtenſible director, but Solon concerted with him the various improvements in juriſprudence. By means of religious pomp, ceremony, ſacrifices, and proceſſions, he amuſed the people into ſome degree of order and ſuſpenſion of their factions; but the tranquillity was not likely to be laſting. Three political parties exiſted: one for democracy, compoſed of the landholders of the mountains; another for an ariſtocracy, of the rich, conſiſting of the poſſeſſors of the plain; a third preferred a mixture of oligarchy and democracy, conſiſting of the inhabitants of the coaſt, and the moſt diſintereſted men. There was another diviſion of the people, into the parties of the rich and the poor. Dangerous convulſions

vulſions were ſo apprehended, that many ſober men thought the eſtabliſhment of a tyranny, in one, neceſſary to prevent greater evils. Solon's reputation for wiſdom and integrity was univerſal; and, as he had friends in all parties, they procured the place of archon, with power to reform the conſtitution. His firſt object was to reconcile the rich with the poor: this he accompliſhed by lowering the intereſt without annulling the debt, and by taking from the creditor the exorbitant powers over the perſon and family of the debtor. He found ſuch a predilection for democracy in the minds of the citizens, that he preſerved to every free Athenian his equal vote in the aſſembly of the people, which he made ſupreme in all caſes, legiſlative, executive, and judicial. He had not, probably, tried the experiment of a democracy in his own family, before he attempted it in the city, according to the advice of Lycurgus; but was obliged to eſtabliſh ſuch a government as the people would bear, not that which he thought the beſt, as he ſaid himſelf.

As the laws of Solon were derived from Crete and Egypt, were afterwards adopted by the Romans as their model, and have by them been tranſmitted to all Europe, they are a moſt intereſting ſubject of inquiry; but it is not poſſible to aſcertain exactly which were his, which were thoſe of Epimenides or Theſeus, or what was, in fact, the conſtitution of Athens. The firſt inquiry is, Who were citizens? By a poll that was taken in the time of Pericles, they were found to be fourteen thouſand perſons. By another, in the time of Demetrias Phalerius, they were twenty-one thouſand: at the ſame time there were

ten

ten thouſand freemen, conſiſting of foreigners and freed ſlaves, and four hundred thouſand ſouls in actual bondage, who had no vote in the aſſembly of the people. The perſons therefore who ſhared the power, being not a tenth part of the nation, were excuſed from labour, in agriculture as well as manufactures, and had time for education; they were paid too for attendance on public affairs, which enabled the poorer citizens to attend their duty. This is one circumſtance which rendered a government ſo popular, practicable for a time: another was, the diviſion of Attica into tribes and boroughs, or diſtricts, like the American counties, towns, and pariſhes, or the ſhires, hundreds, and tythings of England. The tribes at firſt were four, afterwards ten. Each tribe had its preſiding magiſtrate, called phylarchus, analogous to the Engliſh ſheriff; and each borough, of which there were one hundred and ſeventy-four, its demarchus, like a conſtable or headborough. As the title of king was preſerved to the high prieſt, ſo the perſon preſiding over the religion of each tribe was called philobaſileus, king's friend, and was always appointed from among the nobly-born, eupatrides. Thus religion was always in the hands of the ariſtocratical part of the community. As the oracles and prieſts were held by the people in ſo much ſacred veneration, placing them, with all their ſplendid ſhews and rites, always in the power of the ariſtocratical families, or perſons of beſt education, was as great a check to the democracy as can well be imagined. It ſhould be here recollected too, that almoſt all theſe eupatrides or nobles, among the Greeks, were believed to be deſcended from the gods, nearly or remotely. No-

bility,

bility, as well as royalty, were believed of divine right, becauſe the gods and goddeſſes had condeſcended to familiar intercourſes with women and men, on purpoſe to beget perſons of a ſuperior order to rule among nations. The ſuperiority of prieſts and nobles was aſſumed and conceded with more conſiſtency than they are in Poland, Switzerland, and Venice, and they muſt have had a proportional influence with the people.

Another check to this authority in one center, the nation, eſtabliſhed by Solon, was countenanced by precedent introduced by Theſeus, who divided the Attic people into three ranks: all magiſtrates were taken excluſively out of the firſt. Solon, by a new diviſion, made four ranks, determined by property, and confined all magiſtracies to the firſt three. By this regulation, he excluded all thoſe who had no will of their own, and were dependent on others; but by ſtill allowing to the fourth, who were more numerous than all the others, their equal votes in the aſſembly of the people, he put all power into hands the leaſt capable of properly uſing it; and accordingly theſe, by uniting, altered the conſtitution at their pleaſure, and brought on the ruin of the nation. By theſe precautions, however, we ſee the anxiety of Solon to avail himſelf of every advantage of birth, property, and religion, which the people would reſpect, to balance the ſovereign democracy. With the ſame view, he inſtituted a ſenate, of one hundred perſons out of each of the four tribes; and this great council, to which he committed many of the powers of the archons, he hoped would have a weight which all the archons together had not been able to preſerve. It was afterwards increaſed to five hundred, when the

the tribes were increaſed to ten, fifty out of each, and was then called the council of five hundred. They were appointed annually by lot; but certain legal qualifications were required, as well as a blameleſs life. The members of each tribe in turn, for thirty-five days, had ſuperior dignity and additional powers, with the title of prytanes, from whence the hall was called Prytaneium. The prytanes were by turns preſidents, had the cuſtody of the ſeal, and the keys of the treaſury and citadel, for one day. The whole aſſembly formed the council of ſtate of the commonwealth, and had the conſtant charge of its political affairs; the moſt important of which was the preparation of buſineſs for the aſſembly of the people, in which nothing was to be propoſed which had not firſt been approved here. This was Solon's law; and, if it had been obſerved, would have formed a balance of ſuch importance, that the commonwealth would have laſted longer, and been more ſteady. But factious demagogues were often found to remind the people, that all authority was collected into one center, and that the ſovereign aſſembly was that center; and a popular aſſembly being, in all ages, as much diſpoſed, when unchecked by an abſolute negative, to overleap the bounds of law and conſtitution as the nobles or a king, the laws of Solon were often ſpurned, and the people demanded and took all power, whenever they thought proper.

Senſible that the buſineſs of approving and rejecting magiſtrates, receiving accuſations, catalogues of fines, enacting laws, giving audience to ambaſſadors, and diſcuſſions of religion, would very often be unintereſting to many even of the moſt judicious and virtuous citizens; that every man's buſineſs is no man's; Solon ordained it criminal

minal in any not to take a ſide in civil diſturbances. Certain times were ſtated for the meeting of the general aſſembly; all gates were ſhut but that which led to it; fines were impoſed for non-attendance; and a ſmall pay allowed by the public to thoſe who attended punctually at the hour. Nine proedri were appointed from the council; from whom the moderators, epiſtates, were appointed too by lot, with whom ſat eleven nomophylaces, whoſe duty it was to explain the tendency of any motions contrary to the ſpirit of the conſtitution. The prytanes too had diſtinct and conſiderable powers in the aſſembly. When any change in the law was judged neceſſary by the people, another court, conſiſting of a thouſand perſons, called nomothetes, were directed to conſider of the beſt mode of alteration, and prepare a bill; after all, five ſyndics were appointed to defend the old law before the aſſembly, before the new one could be enacted. A law paſſed without having been previouſly publiſhed, conceived in ambiguous terms, or contrary to any former law, ſubjected the propoſer to penalties. It was uſual to repeal the old law before a new one was propoſed, and this delay was an additional ſecurity to the conſtitution. The regular manner of enacting a law was this:—A bill was prepared by the council; any citizen might, by petition or memorial, make a propoſition to the prytanes, whoſe duty it was to preſent it to the council—if approved by them, it became a proboulema; and, being written on a tablet, was expoſed, for ſeveral days, for public conſideration, and, at the next aſſembly, read to the people—then proclamation was made by the crier, "who of thoſe above fifty years of age chooſes "to ſpeak?" When theſe had made their orations,

tions, any other citizen, not diſqualified by law for having fled from his colours in battle, being deeply indebted to the public, or convicted of any crime, had an opportunity to ſpeak; but the prytanes had a general power to enjoin ſilence on any man, ſubject, no doubt, to the judgement of the aſſembly: without this, debates might be endleſs. When the debate was finiſhed, the crier, at the command of the proedri, proclaimed that the queſtion waited the determination of the people, which was given by holding up the hand: in ſome uncommon caſes, particularly of impeachments, the votes were given privately, by caſting pebbles into urns. The proedri examined the votes, and declared the majority; the prytanes diſmiſſed the aſſembly. Every one of theſe precautions demonſtrated Solon's conviction of the neceſſity of balances to ſuch an aſſembly, though they were found by experience to be all ineffectual. From the ſame ſolicitude for balances againſt the turbulence of democracy, he reſtored the court of Areopagus, improved its conſtitution, and increaſed its power: he compoſed it of thoſe who had held with reputation the office of archon, and admitted them into this dignity and authority for life. The experience, the reputation, and permanency of theſe Areopagites muſt have been a very powerful check. From the Areopagus alone no appeal lay to the people: yet if they choſe to interfere, no balancing power exiſted to reſiſt their deſpotic will. The conſtitution authorized the Areopagus to ſtop the judicial decrees of the aſſembly of the people; annul an acquittal, or grant a pardon—to direct all draughts on the public treaſury—to puniſh impiety, immorality, and diſorderly conduct—to ſuperintend the education of youth; puniſh idle-

neſs—to inquire by what means men of no property or employment maintained themſelves. The court ſat in the night, without light, that the members might be leſs liable to prejudice. Pleaders were confined to ſimple narration of facts, and application of laws, without ornaments of ſpeech, or addreſs to the paſſions. Its reputation for wiſdom and juſtice was ſo high, that Cicero ſaid, the commonwealth of Athens could no more be governed without the court of Areopagus, than the world without the providence of God.

The urgent neceſſity for balances to a ſovereign aſſembly, in which all authority, legiſlative, executive, and judicial, was collected into one center, induced Solon, though in ſo ſmall a ſtate, to make his conſtitution extremely complicated: no leſs than ten courts of judicature, four for criminal cauſes, and ſix for civil, beſides the Areopagus and general aſſembly, were eſtabliſhed at Athens. In conformity to his own ſaying, celebrated among thoſe of the ſeven wiſe men, that "the moſt perfect government is that where an "injury to any one is the concern of all," he directed, that in all the ten courts cauſes ſhould be decided by a body of men, like our juries, taken from among the people; the archons only preſiding like our judges. As the archons were appointed by lot, they were often but indifferent lawyers, and choſe two perſons of experience to aſſiſt them; theſe, in time, became regular conſtitutional officers, by the name of Paredri, aſſeſſors. The jurors were paid for their ſervice, and appointed by lot.—This is the glory of Solon's laws: it is that department which ought to belong to the people at large; they are moſt competent for this; and the property, liberty, equa-

lity, and ſecurity of the citizens, all require that they alone ſhould poſſeſs it. Itinerant judges, called the Forty, were appointed to go through the counties, to determine aſſaults and civil actions under a certain ſum.

Every freeman was bound to military ſervice. The multitude of ſlaves made this neceſſary, as well as practicable. Rank and property gave no other diſtinction than that of ſerving on horſeback.

The fundamental principle of Solon's government was the moſt like M. Turgot's idea of any we have ſeen. Did this prevent him from eſtabliſhing different orders and balances? Did it not render neceſſary a greater variety of orders, and more complicated checks than any in America? yet all were inſufficient, for want of the three checks, abſolute and independent. Unleſs three powers have an abſolute *veto*, or negative, to every law, the conſtitution can never be long preſerved; and this principle we find verified in the ſubſequent hiſtory of Athens, notwithſtanding the oath he had the addreſs and influence to perſuade all the people to take, that they would change none of his inſtitutions for ten years. Soon after his departure, the three parties of the highlands, lowlands, and coaſts, began to ſhew themſelves afreſh. Theſe were, in fact, the party of the rich, who wanted all power in their own hands, and to keep the people in abſolute ſubjection, like the nobles in Poland, Venice, Genoa, Berne, Soleure, &c.; the democratical party, who wanted to aboliſh the council of five hundred, the Areopagus, the ten courts of judicature, and every other check, and who, with furious zeal for equality, were the readieſt inſtruments of deſpotiſm; and the party of judicious

and

and moderate men, who, though weaker than either of the others, were the only balance between them. This laſt party, at this time, was ſupported by the powerful family of the Alcmæonides, of whom Megacles, the chief, had greatly increaſed the wealth and ſplendour of his houſe, by marrying the daughter of the tyrant of Sicion, and had acquired fame by victories in the Olympian, Pythian, and Iſthmian games: the head of the oligarchic party was Lycurgus, not the Spartan lawgiver: the democratical party was led by Piſiſtratus, claiming deſcent from Codrus and Neſtor, with great abilities, courage, addreſs, and reputation for military conduct in ſeveral enterprizes. Upon Solon's return, after an abſence of ten years, he found prejudices deeply rooted; attachment to their three leaders dividing the whole people. He was too old to direct the ſtorm: the factions continued their manœuvres; and at length Piſiſtratus, by an artifice, became maſter of the commonwealth. Wounding himſelf and his horſes, he drove his chariot violently into the Agora, where the aſſembly of the people was held; and in a pathetic ſpeech declared, "that he had been waylaid as he was going into "the country—that it was for being the man "of the people that he had thus ſuffered—that "it was no longer ſafe for any man to be a "friend of the poor—it was not ſafe for him to "live in Attica, unleſs they would take him "under their protection." Ariſton, one of his partiſans, moved for a guard of fifty men, to defend the perſon of the friend of the people, the martyr for their cauſe. In ſpite of the utmoſt oppoſition of Solon, though Piſiſtratus was his friend, this point was carried: Piſiſtratus, with his guards, ſeized the citadel; and forcing his

opponents into ſubmiſſion or exile, he became the firſt man, and from this time is called the Tyrant of Athens; a term which meant a citizen of a republic, who by any means obtained a ſovereignty over his fellow-citizens. Many of them were men of virtue, and governed by law, after being raiſed to the dignity by the conſent of the people; ſo that the term Tyrant was arbitrarily uſed by the ancients, ſometimes to ſignify a lawful ruler, and ſometimes an uſurper. Piſiſtratus, of whom Solon ſaid, "Take away his ambition, "cure him of his luſt of reigning, and there is not "a man of more virtue, or a better citizen," changed nothing in the conſtitution. The laws, aſſembly, council, courts of juſtice, and magiſtrates, all remained; he himſelf obeyed the ſummons of the Areopagus, upon the charge of murder. Solon truſted to his old age againſt the vengeance of the tyrant, and treated him in all companies with very imprudent freedoms of ſpeech: but Piſiſtratus carried all his points with the people; and had too much ſenſe to regard the venerable legiſlator, or to alter his ſyſtem. He returned his reproaches with the higheſt reſpect; and gained upon him, according to ſome authors, to condeſcend to live with him in great familiarity, and aſſiſt him in his adminiſtration. Others ſay that Solon, after having long braved the tyrant's reſentment, and finding the people loſt to all ſenſe of their danger, left Athens and never returned.

Solon died at the age of eighty, two years after the uſurpation. The uſurper ſoon fell. The depreſſed rival chiefs, Megacles and Lycurgus, uniting their parties, expelled him; but the confederated rivals could not agree. Megacles propoſed a coalition with Piſiſtratus, and offered him his daughter in marriage. The condition was accepted;

cepted; but the people in aſſembly muſt be gained. To this end they dreſſed a fine girl with all the ornaments and armour of Minerva, and drove into the city, heralds proclaiming before them, "O Athenians, receive Piſiſtratus, whom Minerva honouring above all men, herſelf conducts into your citadel." The people believed the maid to be a goddeſs, worſhipped her, and received Piſiſtratus again into the tyranny. Is this government, or the waves of the ſea? But Piſiſtratus was ſoon obliged to retire to Eretria, and leave the party of Megacles maſters of Athens. He ſtrengthened his connections; and in the eleventh year of this his ſecond baniſhment, he returned to Attica with an army, and was joined by his friends. The party of Megacles met him with another army, ill diſciplined and commanded, from the city; were attacked by ſurprize, and defeated. Piſiſtratus proclaimed that none need fear, who would return peaceably home. The known honour, humanity, and clemency of his character, procured him confidence; his enemies fled, and he entered the city without oppoſition. He made no fundamental change in the conſtitution, though, as head of a party, he had the principal influence. He depended upon a large fortune of his own, and a good underſtanding with Thebes and Argos, to ſupport him in it. He died in peace, and left his ſon ſucceſſor to his influence. Both his ſons, Hippias and Hipparchus, were excellent characters; and arts, agriculture, gardening, and literature, as well as wiſdom and virtue, were ſingulary cultivated by the whole race of theſe tyrants. Harmodius and Ariſtogeton, however, conſpired the death both of Hippias and Hipparchus; the latter was killed, and Hippias was led to ſeverities; many Athenians were put to death. Hippias, to

ſtrengthen his intereſt with foreign powers, married his only daughter to the ſon of the tyrant of Lampſacus. Her epitaph ſhews that the title of Tyrant was not then a term of reproach: "This "duſt covers Archedice, daughter of Hippias, in "his time the firſt of the Greeks. Daughter, "ſiſter, wife, and mother of tyrants, her mind "was never elated to arrogance."

The oppoſite party were watchful to recover Athens, and to increaſe their intereſt with the other Grecian ſtates for that end, the temple of Delphi was burnt. The Alcmæonides, to ingratiate themſelves with the oracle, the Amphictyons, and all Greece, rebuilt it with Parian marble, inſtead of Porine ſtone, as they had contracted to do, without aſking any additional price. The conſequence was, that whenever the Lacedæmonians conſulted the oracle, the anſwer always concluded with an admonition to give liberty to Athens. At length the oracle was obeyed; and, after ſome variety of fortune, the Alcmæonides, aided by Cleomenes the Spartan, prevailed, and Hippias retired to Sigeium. It was one maxim of the Spartans, conſtantly to favour ariſtocratical power; or rather, wherever they could, to eſtabliſh an oligarchy: for in every Grecian city there was always an ariſtocratical, oligarchical, and democratical faction. Whenever the Grecian ſtates had a war with one another, or a ſedition within themſelves, the Lacedæmonians were ready to interfere as mediators. They conducted the buſineſs generally with great caution, moderation, and ſagacity; but never loſt ſight of their view to extend the influence of their ſtate; nor of their favourite meaſure for that end, the encouragement of ariſtocratical power, or rather oligarchical; for a few principal families, indebted to Lacedæmon

mon for their pre-eminence, and unable to retain it without her aſſiſtance, were the beſt inſtruments for holding the ſtate in alliance. This policy they now propoſed to follow at Athens. Cleiſthenes, ſon of Megacles, head of the Alcmæonides, was the firſt perſon of the commonwealth. Having no great abilities, a party was formed againſt him under Iſagoras, with whom moſt of the principal people joined. The party of Cleiſthenes was among the lower ſort, who being all powerful in the general aſſembly, he made by their means ſome alterations in the conſtitution favouring his own influence. Cleiſthenes was now tyrant of Athens, as much as Piſiſtratus had been. In the conteſts of Grecian factions, the alternative was generally victory, exile, or death; the inferior party therefore reſorted ſometimes to harſh expedients. Iſagoras and his adherents applied to Lacedæmon. Cleomenes, violent in his temper, entered with zeal into the cauſe of Iſagoras, and ſent a herald to Athens, by whom he imperiouſly denounced baniſhment againſt Cleiſthenes and his party, on the old pretence of criminality for the execution of the partiſans of Cylon. Cleiſthenes obeyed. Exalted by this proof of a dread of Spartan power, he went to Athens with a ſmall military force, and baniſhed ſeven hundred families at once: ſuch was Athenian liberty. He was then proceeding to change the conſtitution, to ſuit the views of Spartan ambition, by diſſolving the council of five hundred, and committing the whole power to a new council of three hundred, all partiſans of Iſagoras. Athens was not ſo far humbled. The five hundred reſiſted, and excited the people, who flew to arms, and beſieged Cleomenes and Iſagoras in the citadel, who the third day ſurrendered, upon condition that the Lacedæ-

monians might depart in ſafety. Iſagoras went with them. Many of his party were executed, and Cleiſthenes, and the exiled families, returned; but conſcious of their danger from their hoſtile fellow-citizens, in concert with Lacedæmon, they ſent to ſolicit an alliance with Artaphernes, the ſatrap of Perſia. The anſwer was, If they would give earth and water to Darius they might be received, otherwiſe they muſt depart. The ambaſſadors, conſidering the imminent danger of their country and party, conſented to theſe humiliating terms. Although Athens was diſtracted with domeſtic factions, and preſſed with the fear of an attack from Cleomenes, the conduct of her ambaſſadors, in acknowledging ſubmiſſion to the Perſian king, in hopes of his protection, was highly reprobated upon their return; and it does not appear that Perſian aſſiſtance was further deſired: yet the danger which hung over Athens was very great. Cleomenes, bent on revenge, formed a confederacy againſt them, of the Thebans, Corinthians, and Chalcidians. Theſe could not agree, and the Athenians gained ſome advantages of two of them. Cleomenes then pretended that Sparta had acted irreligiouſly in expelling Hippias, who ought to be reſtored; becauſe, when he was beſieged in the citadel at Athens, he had diſcovered a colluſion between the Delphic prieſts and the Alcmæonides. Sparta was willing to reſtore Hippias; but Corinth, their ally, was not. Hippias, deſpairing of other means, now in his turn applied to Perſia, and brought upon his country the Perſian war; from which it was delivered by Miltiades, at the battle of Marathon. Miltiades became the envy of the Alcmæonide family. Xanthippus, one of the principal men of Athens, who had married a daughter of Megacles, the great opponent

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of Piſiſtratus, conducted a capital accuſation againſt him: he was condemned in a fine of fifty talents more than he was wor h. His wound, which prevented him from attending the trial, mortified, and he died in priſon. In order to brand the family of Piſiſtratus, the fame of Harmodius and Ariſtogeton was now cried up. They had aſſaſſinated Hipparchus from mere private revenge; but they were now called aſſerters of public liberty. The tyrannicide, as it was called, was celebrated by ſongs, ſtatues, ceremonies, and religious feſtivals.

It muſt be acknowledged, that every example of a government which has a large mixture of democratical power, exhibits ſomething to our view which is amiable, noble, and I had almoſt ſaid, divine. In every ſtate hitherto mentioned, this obſervation is verified. What is contended for, is, that the people in a body cannot manage the executive power, and, therefore, that a ſimple democracy is impracticable; and that their ſhare of the legiſlative power muſt be always tempered with two others, in order to enable them to preſerve their ſhare, as well as to correct its rapid tendency to abuſe. Without this, they are but a tranſient glare of glory, which paſſes away like a flaſh of lightning, or like a momentary appearance of a goddeſs to an ancient hero, which, by revealing but a glimpſe of celeſtial beauties, only excited regret that he had ever ſeen them.

The republic of Athens, the ſchool-miſtreſs of the whole civilized world, for more than three thouſand years, in arts, eloquence, and philoſophy, as well as in politeneſs and wit, was, for a ſhort period of her duration, the moſt democratical commonwealth of Greece. Unfortunately their hiſtory, between the abolition of their kings and the

the time of Solon, has not been circumſtantially preſerved. During this period, they ſeem to have endeavoured to collect all authority into one center, and to have avoided a compoſition of orders and balances as carefully as M. Turgot: but that center was a group of nobles, not the nation. Their government conſiſted in a ſingle aſſembly of nine archons, choſen annually by the people. But even here was a check; for by law the archons muſt all be choſen out of the nobility. But this form of government had its uſual effects, by introducing anarchy, and ſuch a general profligacy of manners, that the people could at length be reſtrained by nothing ſhort of the ultimate puniſhment from even the moſt ordinary crimes. Draco accordingly propoſed a law, by which death ſhould be inflicted on every violation of the law. Humanity ſhuddered at ſo ſhocking a ſeverity! and the people choſe rather that all offences ſhould go unpuniſhed, than that a law thus written in blood, as they termed it, both in horror and contempt, ſhould be executed. Confuſions increaſed, and divided the nation into three factions; and their miſeries became ſo extreme, that they offered Solon an abſolute monarchy. He had too much ſenſe, as well as virtue, to accept it; but employed his talents in new-modelling the government. Senſible, from experience, of the fatal effects of a government too popular, he wiſhed to introduce an ariſtocracy, moderated like that of Sparta; but thought the habits and prejudices of the people too ſtrong to bear it. The archons he continued, but, to balance their authority, he erected a ſenate of four hundred, to be choſen by ballot of the people. He alſo revived the court of Areopagus, which had juriſdiction in criminal caſes and the care of religion. He excluded from

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the executive, or the magiſtracy, all the citizens who were not poſſeſſed of a certain fortune; but veſted the ſovereignty in a legiſlative aſſembly of the people, in which all had a right to vote. In this manner Solon attempted a double balance. The Areopagus was to check the executive in the hands of the archons; and the ſenate of four hundred, the fickleneſs and fire of the people. Every one muſt ſee that theſe devices would have been no effectual controul in either caſe, yet they were better than none. It was very right that the people ſhould have all elections; but democratical prejudices were ſo inveterate, that he was obliged not only to make them, aſſembled in a body, an eſſential branch of the legiſlature, but to give them cognizance of appeals from all the ſuperior courts. Solon himſelf, in his heart, muſt have agreed with Anacharſis, that this conſtitution was but a cobweb to bind the poor, while the rich would eaſily break through it. Piſiſtratus ſoon proved it by bribing a party, procuring himſelf a guard, and demoliſhing Solon's whole ſyſtem before his eyes, and eſtabliſhing a ſingle tyranny. The tyrant was expelled ſeveral times by the oppoſitions, but as often brought back, and finally tranſmitted his monarchy to his ſons. One of theſe was aſſaſſinated by Harmodius and Ariſtogeton; and the other driven into baniſhment by the oppoſition, aided by the neighbouring ſtate, Sparta. He fled to the Perſians, excited Darius againſt his country, and was killed at Marathon. Theſe calamities inſpired the people with ſuch terrors of a ſingle tyrant, that, inſtead of thinking to balance effectually their "orders," they eſtabliſhed the oſtraciſm, to prevent any man from becoming too popular: a check indeed, but a very injudicious one; for it only baniſhed their beſt men.

men. Hiſtory no where furniſhes ſo frank a confeſſion of the people themſelves, of their own infirmities, and unfitneſs for managing the executive branch of government, or an unbalanced ſhare of the legiſlature, as this inſtitution. The language of it is, "We know ourſelves ſo well, that we dare "not truſt our own confidence and affections, our "own admiration and gratitude, for the greateſt "talents and ſublimeſt virtues. We know our "heads will be turned, if we ſuffer ſuch charac-"ters to live among us, and we ſhall always make "them kings." What more melancholy ſpectacle can be conceived even in imagination, than that inconſtancy which erects ſtatues to a patriot or a hero one year, baniſhes him the next, and the third erects freſh ſtatues to his memory?

Such a conſtitution of government, and the education of youth which follows neceſſarily from it, always produces ſuch characters as Cleon and Alcibiades; mixtures of good qualities enough to acquire the confidence of a party, and bad ones enough to lead them to deſtruction; whoſe lives ſhew the miſeries and final cataſtrophe of ſuch imperfect polity.

From the example of Athens it is clear, that the government of a ſingle aſſembly of archons choſen by the people was found intolerable; that, to remedy the evils of it, Solon eſtabliſhed four ſeveral orders, an aſſembly of the people, an aſſembly of four hundred, an aſſembly of archons, and the Areopagus; that he endeavoured to balance one ſingly by another, inſtead of forming his balance out of three branches. Thus theſe attempts at an equilibrium were ineffectual; produced a never-ending fluctuation in the national councils, continual factions, maſſacres, proſcriptions, baniſhment, and death of the beſt citizens: and the hiſ-

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tory of the Peloponneſian War, by Thucidydes, will inform us how the raging flames at laſt burnt out.

The people in each of the United States have, after all, more real authority than they had in Athens. Planted as they are over large dominions, they cannot meet in one aſſembly, and, therefore, are not expoſed to thoſe tumultuous commotions, like the raging waves of the ſea, which always agitated the eccleſia at Athens. They have all elections of governor and ſenators, as well as repreſentatives, ſo prudently guarded, that there is ſcarce a poſſibility of intrigue. The property required in a repreſentative, ſenator, or even governor, is ſo ſmall, that multitudes have equal pretenſions to be choſen. No election is confined to any order of nobility, or to any great wealth; yet the legiſlature is ſo divided into three branches, that no law can be paſſed in a paſſion, nor inconſiſtent with the conſtitution. The executive is excluded from the two legiſlative aſſemblies; and the judiciary power is independent, as well as ſeparate from all. This will be a fair trial, whether a government ſo popular can preſerve itſelf. If it can, there is reaſon to hope for all the equality, all the liberty, and every other good fruit of an Athenian democracy, without any of its ingratitude, levity, convulſions, or factions.

LETTER

LETTER XLVII.

ANTALCIDAS.

DEAR SIR,

IN the year 1774, a certain Britiſh officer, then at Boſton, was often heard to ſay, "I wiſh "I were parliament: I would not ſend a ſhip "or troop to this country; but would forthwith "paſs a ſtatute, declaring every town in North "America a free, ſovereign, and independent "commonwealth. This is what they all deſire, "and I would indulge them; I ſhould ſoon "have the pleaſure to ſee them all at war with "one another, from one end of the continent to "the other."—This was a gentleman of letters, and, perhaps, had learned his politics from Antalcidas, whoſe opinion concerning the government of a ſingle aſſembly is very remarkable; but the Greek and the Briton would both have found their artifices in America ineffectual. The Americans are very far from being deſirous of ſuch multiplications and diviſions of ſtates, and know too well the miſchiefs that would follow from them: yet the natural and inevitable effect of M. Turgot's ſyſtem of government would, in a courſe of time, be ſuch a ſpirit among the people.

It is not very certain whether Antalcidas was a Spartan or not. If he was, he had violated the law of Lycurgus by travel, and had reſided long

in Perſia, and maintained an intercourſe and correſpondence with ſeveral noble families. He was bold, ſubtle, inſinuating, eloquent; but his vices and corruption were equal to his addreſs. The ſtern Spartan ſenate thought him a proper inſtrument to execute an inſidious commiſſion at a profligate court. The inſtitutions of his own country, Sparta, were the objects of his ridicule; but thoſe of the democratical ſtates of Greece, of his ſovereign contempt. The ancient maxim of ſome of the Greeks, "*That every thing is lawful to a man in the ſervice of his country,*" was now obſolete, and had given way to a purer morality; but Antalcidas was probably one of thoſe philoſophers, who thought every thing lawful to a man which could ſerve his private intereſt.—The Spartan ſenate never acted upon a principle much better; and therefore might, upon this occaſion, have given their ambaſſador the inſtruction which he pretended, viz. to offer "to reſign all pretenſions to the Greek cities in Aſia, which they would acknowledge to be dependencies of the Perſian empire; and to declare all the cities and iſlands, ſmall and great, totally independent of each other." Theſe articles, in conſequence of which there would not be any republic powerful enough to diſturb the tranquillity of Perſia, were more advantageous to them than the moſt inſolent courtier would have ventured to propoſe. The ambaſſador was rewarded by a magnificent preſent; and the terms of peace tranſmitted to court, to be ratified by Artaxerxes. The negociation however languiſhed, and the war was carried on with violence for ſeveral years; and all the art, activity, and addreſs of Antalcidas were put to the trial, before he obtained the ratification. The treaty was at laſt completed—

"That

"That all the republics, ſmall and great, ſhould "enjoy the independent government of their own "hereditary laws; and whatever people rejected "theſe conditions, ſo evidently calculated for "preſerving the public tranquillity, muſt expect "the utmoſt indignation of the Great King, who, "in conjunction with the republic of Sparta, "would make war on their perverſe and dange- "rous obſtinancy, by ſea and land, with ſhips "and money."

Antalcidas, and Teribazus, the Perſian ſatrap, with whom he had concerted the treaty, had foreſeen, that, as Thebes muſt reſign her authority over the inferior cities of Bœotia—as Argos muſt withdraw her garriſon from Corinth, and leave that capital in the power of the ariſtocratic or Lacedæmonian faction—and as Athens muſt abandon the fruits of her recent victories—there might be an oppoſition to the treaty made by theſe three ſtates: to guard againſt which, they had provided powerful armaments by ſea and land, which, with Spartan and Perſian threats, ſo intimidated all, that all at laſt ſubmitted.

This peace of Antalcidas forms a diſgraceful æra in the hiſtory of Greece. Their ancient confederacies were diſſolved; the ſmaller towns were looſened from all connection with the large cities; all were weakened by being diſunited.—What infamy to the magiſtrates of Sparta, and their intriguing, unprincipled ambaſſador! But Athens, Thebes, and Argos, by the friendſhip of the democratical cities and confederacies, had become powerful, and excited their haughty jealouſy. The article which declared the ſmaller cities independent, was peculiarly uſeful to the views of Sparta; it repreſented them as the patrons of liberty, among the free. The ſtern policy of

Sparta

Sparta had cruſhed, in all her ſecondary towns, the hope of independence. The authority of Athens, Thebes, Argos, and all the democratical confederacies, were leſs imperious; the ſovereign and ſubject were more nearly on a footing of equality; and the Spartans knew, that "men are diſpoſed to reject the juſt rights of "their equals, rather than revolt againſt the "tyranny of their maſters:" their own ſlaves and citizens had furniſhed them with conſtant proof of this.

But Sparta, by this maſter-piece of roguery, meant not only to hold ſtill all her own ſubordinate cities in ſubjection, not only to detach the inferior communities from her rivals, but to add them to her own confederacy. To this end, ſhe, by her emiſſaries, intrigued in all the ſubordinate cities. How? by promoting liberty, popular government, or proper mixtures of a well-ordered commonwealth? By no means; but by ſupporting the ariſtocratical factions in all of them, fomenting animoſities among the people againſt each other, and eſpecially againſt their capitals. Complaints, occaſioned by theſe cabals, were referred to the Spartan ſenate, which had acquired the reputation of the patron of the free, the weak, and the injured, and always decided in their own favour. But the ambition of Spartans, cool and cunning as it was, had not patience to remain long ſatisfied with ſuch legal uſurpations; they determined to mix the terror of their arms with the ſeduction of policy. Before we proceed to an account of their operations, we muſt develop a little more fully the policy of Antalcidas.—Beſides the free republics of Attica, Thebes, and Argos, which conſiſted of ſeveral cities, governed by their firſt magiſtrate, ſenate, and people,

in which the ſubordinate cities always complained of the inordinate influence of the capital, there were ſeveral republics reputed ſtill more popular, becauſe they were governed by ſingle aſſemblies, like Biſcay, the Griſons, Appenzel, Underwald, Glaris, &c. Theſe republics conſiſted of ſeveral towns, each governed by its own firſt magiſtrate, council, and people; but confederated together under the ſuperintendance of a ſingle diplomatical aſſembly, in which certain common laws were agreed on, and certain common magiſtrates appointed by deputies from each town. Theſe confederacies are the only examples of government by a ſingle aſſembly which were known in Greece. Antalcidas knew that each of theſe towns was diſcontented with the adminiſtration of their common aſſembly, and in their hearts wiſhed for independence. It was to this foible of the people that he addreſſed that policy, in his Perſian treaty, by which he twiſted to atoms, as if it had been a rope of ſand, every democratical city and confederacy, and every one in which democracy and ariſtocracy were mixed, throughout all Greece. The firſt victim of this ambitious policy was Arcadia, in the center of Peloponneſus, whoſe principal town was Mantinæa. Arcadia was a fertile and beautiful valley ſurrounded by lofty mountains: the ſcattered villages of ſhepherds inhabiting theſe hills and vales had grown into cities, by the names of Tegea, Stymphalis, Heræa, Orchomonus, and Mantinæa. The inhabitants were diſtinguiſhed by their innocence, and the ſimplicity of their manners; but whenever they had been obliged, from neceſſity, to engage in war, they had diſplayed ſuch vigour, energy, and intrepidity, as made their alliance very deſirable. The dangerous neigh-

neighbourhood of Sparta had obliged them to fortify their towns, and maintain garriſons; but jealouſies aroſe between Tegea and Mantinæa, and emulations to be the capital. The year after the treaty of Antalcidas ambaſſadors were ſent by the Spartan ſenate to the aſſembly at Mantinæa, to command them to demoliſh the walls of their proud city, and return to their peaceful villages. The reaſons aſſigned were, that the Mantinæans had diſcovered their hatred to Sparta, envied her proſperity, rejoiced in her misfortunes, and, in the late war, had furniſhed ſome corn to the Argives. The Mantinæans received the propoſal with indignation; the ambaſſadors retired in diſguſt; the Spartans proclaimed war, demanded the aid of their allies, and marched a powerful army under their king Ageſipolis, and invaded the territory. After the moſt deſtructive ravages of the country, and a long ſiege of Mantinæa, they were not able to ſubdue the ſpirit of this people, until they turned the courſe of the river Ophis, and laid the walls of the city under water; theſe being of raw bricks diſſolved and fell. The inhabitants, intimidated, offered to demoliſh the walls, and follow Sparta in peace and war, upon condition they might be allowed to continue and live in the city.—Ageſipolis replied, that while they lived together in one city, their numbers expoſed them to the deluſions of ſeditious demagogues, whoſe addreſs and eloquence ſeduced the multitude from their true intereſt, and deſtroyed the influence of their ſuperiors in rank, wealth, and wiſdom, on whoſe attachment alone the Lacedæmonians could depend; and therefore, that they muſt deſtroy their houſes in the city, ſeparate into four communities, and return to thoſe villages which their an-

ceſtors had inhabited. The terror of an immediate aſſault made it neceſſary to comply; and the Spartans made a mighty merit of ſuffering ſixty of the moſt zealous partiſans of democracy to fly, unmurdered, from their country.

The little republic of Phlius too, like every other where a balance is not known and preſerved, was diſtracted by parties. The popular party prevailed, and baniſhed their opponents, the friends of ariſtocracy. The Spartans threatened, and the ruling party permitted the exiles to return; but not meeting with reſpectful treatment enough, they complained, and the Spartans, under Ageſilaus, appointed commiſſioners to try and condemn to death the obnoxious leaders of the people in Phlius. This odious office was executed with ſuch unexampled ſeverity, as terrified thoſe who ſurvived into an invariable attachment to Sparta.

The confederacy of Olynthus was next attempted. A number of towns, of which Olynthus was the principal, between two rivers, had been incorporated or aſſociated together, and grown into ſome power, and greater hopes. This was enough to arouſe the jealouſy of Sparta. They ſent four or five ſucceſſive armies under their ableſt kings, to take the part of the ariſtocratical faction, and conquer this league. Such was the ſpirit and reſources of this little ſpot, that they defended themſelves for four or five campaigns, and then were forced to ſubmit.

Thebes had been torn with ariſtocratic and democratic factions, in conſequence of the peace of Antalcidas, and Sparta joined the latter, which ultimately produced long and obſtinate wars, and the exalted characters of Pelopidas and Epaminondas, who, however, with all their virtues,

were

were not able finally to eſtabliſh the independency of their country, though both periſhed in the attempt; Epaminondas, to the laſt, refuſing to the ſeveral communities of Bœotia their hereditary laws and government, although he was one of the democratical party.

Sparta, in the next place, ſent a detachment to ſupport the partiſans of ariſtocracy in Argolis, Achaia, and Arcadia, but were obliged to evacuate that country by Pelopidas and Epaminondas; but the latter ſupported ariſtocratic government. As ſoon as he retired, the Arcadians complained againſt him, that a people, who knew by their own experience the nature of ariſtocracy, ſhould have confirmed that ſevere form of government in an allied or dependent province. The multitude in Thebes condemned the proceedings of Epaminondas, and ſent commiſſioners into Achaia, who aſſiſted the populace, and a body of mercenaries, to diſſolve the ariſtocracy, and baniſh or put to death the nobles, and inſtitute a democracy. The foreign troops were ſcarcely departed, when the exiles, who were very numerous and powerful, returned, and, after a deſperate and bloody ſtruggle, recovered their ancient influence: the leaders of the populace were now, in their turn, put to death or expelled; the ariſtocracy re-eſtabliſhed; and the magiſtrates craved the protection of Sparta, which was readily granted.

It would be endleſs to purſue the conſequences of the peace of Antalcidas; uninterrupted conteſts and wars in every democratical ſtate in Greece were the conſequence of it; ariſtocratical and democratical factions eternally diſputing for ſuperiority, mutually baniſhing and butchering

each other; proſcriptions, aſſaſſinations (of which even Pelopidas was not innocent), treacheries, cruelties without number and without end.—But no man, no party, ever thought of introducing an effectual balance, by creating a king, with an equal power, to balance the other two. The Romans began to think of this expedient, but it was reſerved for England to be the firſt to reduce it to practice.

Would M. Turgot have ſaid, that if Thebes, Athens, Argos, and the Achæan, Arcadian, and Olynthian leagues, had been each of them governed by a legiſlature compoſed of a king, ſenate, and aſſembly, with equal authority, and each a deciſive negative, that the cauſe of liberty in all Greece would have been thus crumbled to duſt by ſuch a paltry trick of Antalcidas? Would the childiſh humour of ſeparating into as many ſtates as towns have ever been indulged or permitted? Moſt certainly they would not. And if the power of negociation and treaties, and the whole executive, had been in one man, could the perfidious ambaſſadors of Sparta and the other ſtates have intrigued and embroiled every thing as they did?

LETTER

LETTER XLIII.

ACHAIA.

DEAR SIR,

THE Achæans, whoſe republic became ſo famous in later times, inhabited a long but narrow ſtrip of land along the Corinthian gulph, which was deſtitute of harbours, and, as its ſhores were rocky, of navigation and commerce; but the impartial and generous ſpirit of their laws, if we are to credit Polybius and their other panegyriſts, were ſome compenſation for the natural diſadvantages of their ſituation and territory. They admitted ſtrangers into their community on equal terms with the ancient citizens; and, as they were the firſt, and, for a long time, the only republic of Greece which had ſuch liberality, it is not ſtrange that they ſhould have enjoyed the praiſes of all foreigners. In all other ſtates of Greece, in which the people had any ſhare in government, there were conſtant complaints that one powerful capital domineered over the inferior towns and villages, like Thebes in Bœotia, Athens in Attica. In Laconia, Lycurgus avoided this inconvenience by two popular aſſemblies, one for Sparta, and one for the country; but in Achaia there was no commercial town, and all were nearly equal, having common laws and inſtitutions, and common weights and meaſures. Helice, which is diſtinguiſhed by Homer as the moſt conſiderable town of Achaia, was the place

each other; proſcriptions, aſſaſſinations (of which even Pelopidas was not innocent), treacheries, cruelties without number and without end.—But no man, no party, ever thought of introducing an effectual balance, by creating a king, with an equal power, to balance the other two. The Romans began to think of this expedient, but it was reſerved for England to be the firſt to reduce it to practice.

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LETTER

neighbourhood of Sparta had obliged them to fortify their towns, and maintain garrisons; but jealousies arose between Tegea and Mantinæa, and emulations to be the capital. The year after the treaty of Antalcidas ambassadors were sent by the Spartan senate to the assembly at Mantinæa, to command them to demolish the walls of their proud city, and return to their peaceful villages. The reasons assigned were, that the Mantinæans had discovered their hatred to Sparta, envied her prosperity, rejoiced in her misfortunes, and, in the late war, had furnished some corn to the Argives. The Mantinæans received the proposal with indignation; the ambassadors retired in disgust; the Spartans proclaimed war, demanded the aid of their allies, and marched a powerful army under their king Agesipolis, and invaded the territory. After the most destructive ravages of the country, and a long siege of Mantinæa, they were not able to subdue the spirit of this people, until they turned the course of the river Ophis, and laid the walls of the city under water; these being of raw bricks dissolved and fell. The inhabitants, intimidated, offered to demolish the walls, and follow Sparta in peace and war, upon condition they might be allowed to continue and live in the city.—Agesipolis replied, that while they lived together in one city, their numbers exposed them to the delusions of seditious demagogues, whose address and eloquence seduced the multitude from their true interest, and destroyed the influence of their superiors in rank, wealth, and wisdom, on whose attachment alone the Lacedæmonians could depend; and therefore, that they must destroy their houses in the city, separate into four communities, and return to those villages which their an-

of aſſembly of the congreſs, until it was ſwallowed up in an earthquake; then Ægæ became the ſeat of congreſs, who annually appointed preſidents in rotation, and generals, who were reſponſible to the congreſs, as the members of congreſs were to the cities they repreſented. This is ſaid to be an excellent ſyſtem of government, becauſe it checked the ambition of Achaia, while it maintained its independence: and Polybius is full of the praiſes of this people for their "virtue "and probity in all their negociations, which "had acquired them the good opinion of the "whole world, and procured them to be choſen "to be arbitrators between the Lacedæmonians "and Thebans; for their wiſe councils, and "good diſpoſitions; for their equality and "liberty, which is in the utmoſt perfection among "them; for their laws and inſtitutions; for their "moderation, and freedom from ambition," &c. Yet, whoever reads his own hiſtory, will ſee evident proofs, that much of this is the fond partiality of a patriot for his country; and that they had neither the moderation he aſcribes to them, nor the excellent government. Better, indeed, than the other republics of Greece it might be; and its congreſs, as a diplomatic aſſembly, might have governed its foreign affairs very well, if the cities repreſented in it had been well conſtituted of a mixture of three independent powers:—but it is plain they were not, but were in a continual ſtruggle between their firſt magiſtrates, nobles, and people, for ſuperiority, which occaſioned their ſhort duration, and final ruin. As this example deſerves to be fully examined by every American, let us explain it a little more particularly.

Atreus, king of Argos and Mycene, was the ſon of Pelops, and father of Agamemnon, who was

was the father of Oreſtes, who was the father of Tiſamenus: Pelops, after whom Peloponneſus was named, was the ſon of Tantalus, a king of Phrygia; and Tantalus was the ſon of Jupiter, by the nymph Plota.

Tiſamenus, flying from Sparta, upon the return of the Heraclidæ governed in Achaia, and was the firſt king of that people. The dominion by him there founded was continued, in a rightful ſucceſſion, down to Gyges. Notwithſtanding his deſcent from Jupiter, his government was probably like that of Alcinous in Phæacia:—Twelve archons preſided over the twelve cities, who, each in his diſtrict, was the firſt magiſtrate; and all able to make out, ſome way or other, their connection with ſome of the ancient families, who were all alike honourably deſcended, at leaſt, from an inferior god or goddeſs. Tiſamenus made the thirteenth, and was firſt among equals at leaſt. The ſons of Gyges not governing by law, but deſpotically, the monarchy was aboliſhed, and reduced to a popular ſtate; probably it was only an ariſtocracy of the twelve archons. Theſe hints at the genealogy of theſe kings are to ſhew how intimately theology was intermixed with politics in every Grecian ſtate and city; and, at the ſame time, to ſhew that the whole force of ſuperſtition, although powerful enough to procure crowns to theſe perſons, yet, for want of the balance we contend for, was not ſufficient to reſtrain the paſſions of the nobles, and prevent revolutions almoſt as rapid as the motion of a wheel: nothing has ever been found to ſupply the place of the balance of three powers. The abolition of this limited monarchy was not effected by the people, for the purpoſe of introducing democracy, or a mixed government, but by the nobles, for the

ſake

ſake of eſtabliſhing an ariſtocracy. The new government, conſequently, was a confederation of twelve archons, each ruling as firſt magiſtrate in a ſeparate city, with his council and people, as an independent ſtate. The twelve archons met in a general aſſembly, ſometimes in perſon, and ſometimes by proxy, to conſult of general affairs, and guard againſt general dangers. This whole ſtate could not be larger than another Biſcay, and each city muſt have been leſs than a merindade, and its general aſſembly like the junta general: yet ſuch is the paſſion for independence, that this little commonwealth, or confederacy of commonwealths, could not hold together. The general aſſembly was neglected; the cities became independent; ſome were conquered by foreigners, and ſome loſt their liberties by domeſtic tyrants, that is, by their firſt magiſtrates aſſuming arbitrary power. Polybius diſcovers as much affection for this little republic as Rouſſeau did for Geneva, and is very loth to confeſs their faults: —He colours over the revolutions they underwent for a courſe of ages, by ſaying, that "though the affairs were governed according "to the diverſity of times and occurrences, all "poſſible endeavours were uſed to preſerve the "form of a popular ſtate. The commonwealth "was compoſed of twelve cities, which are in "being at this day, Olenus and Helice only ex-"cepted, which were ſwallowed up by the ſea in "an earthquake that happened not long before "the battle of Leuctra; which cities are Patra, "Dyma, Phara, Trytæa, Leontium, Ægira, Pel-"lene, Ægium, Bura, Ceraunia, Olenus, and "Helice. After the death of Alexander, and ſince "the Olympiad we have mentioned, theſe cities "fell into dangerous diſſenſions, chiefly by the "artifices

" artifices of the Macedonian princes, when every
" city apart meditated on nothing but their own
" private profit and ends, to the prejudice and
" deſtruction of their neighbours; and this gave
" occaſion to Demetrius and Caſſander, and after-
" wards to Antigonus Gonatus, to put garriſons
" in ſome of their cities; and that others were
" invaded and governed by tyrants, who, in thoſe
" days, were very numerous in Greece. But
" about the 124th Olympiad, when Pyrrhus in-
" vaded Italy, theſe people began to ſee the
" error of their diſſenſions, and laboured to re-
" turn to their former union. Thoſe who gave
" the firſt example were Dyma, Patra, and Pha-
" ra: five years afterwards, Ægium, having caſt
" out the garriſon that was placed over them,
" were received into the confederacy. Bura fol-
" lowed their example, having firſt killed the ty-
" rant; and ſoon after Ceraunia did the like;
" for Iſeas, their tyrant, conſidering how that
" thoſe of Ægium had expelled their garriſon,
" and he who governed in Bura was already ſlain
" by the practices of Marcus and the Achaians,
" and that it would be his lot to have them all
" quickly for enemies, he therefore reſigned the
" dominion, after having firſt ſtipulated with the
" Achaians for his indemnity for what was paſſed,
" and ſo incorporated the city into the union of
" the Achaians.

" The cities, then, we have mentioned con-
" tinued for the ſpace of five-and-twenty years to
" preſerve this form of government unchanged,
" chuſing in their general aſſembly two prætors
" (or preſidents) and a ſecretary. Afterwards
" they concluded to have but one prætor only,
" who ſhould be charged with the management
" of their affairs; and the firſt who enjoyed that

" dignity

" dignity was Marcus the Carian, who, after four " years of his adminiſtration, gave place to Ara- " tus the Sicyonian, who, at the age of twenty " years, after he had, by his virtue and reſolu- " tion, reſcued his country from tyranny, joined " it to the commonwealth of the Achaians, ſo " great a veneration had he from his youth for " the manners and inſtitutions of that people. " Eight years after, he was a ſecond time choſen " prætor, and won Acro-corinth, which Antigo- " nus had fortified with a garriſon, whereby Aratus " freed all Greece from no ſmall apprehenſion. " When he had reſtored liberty to Corinth, he " united it to the Achaians, together with the " city of Megara, which he got by intelligence " during his prætorſhip. In a word, Aratus, " who in a ſhort ſpace brought many and great " things to paſs, made it manifeſt by his councils " and actions, that his greateſt aim was the ex- " pulſion of the Macedonians out of Peloponne- " neſus, to ſuppreſs tyranny, and aſſert the liber- " ty of his country; ſo that, during the whole " reign of Antigonus Gonatus, Aratus conſtantly " oppoſed all his deſigns and enterprizes, as he " did the ambition of the Ætolians to raiſe them- " ſelves on the ruins of their neighbour ſtates; " and, as in all the tranſactions of his adminiſ- " tration he gave ſingular evidences of a ſteady " mind and firm reſolution, all his attempts ſuc- " ceeded accordingly, notwithſtanding many ſtates " confederated to hinder the union, and to deſtroy " the commonwealth of the Achaians. After the " death of Antigonus the Achaians entered into a " league with the Ætolians, and generouſly aſ- " ſiſted them in their war againſt Demetrius; ſo " that the ancient hatred between theſe two peo- " ple ſeemed for the preſent extinguiſhed, and

" the deſire of concord began, by degrees, to
" grow in the minds of the Ætolians. Demetrius
" died, when many great and noble occaſions were
" given to the Achaians of finiſhing the project
" they had conceived; for the tyrants who reign-
" ed in Peloponneſus, having loſt the ſupport of
" Demetrius who greatly favoured them, began
" now to deſpair; and, on the other hand, being
" awed by Aratus, who admoniſhed them to quit
" their governments, on promiſe of great honours
" and rewards to ſuch as voluntarily reſigned,
" and threatening others with hoſtility who re-
" fuſed; whereupon they reſolved to deſpoil
" themſelves of their dignities, reſtore their peo-
" ple to liberty, and incorporate them with the
" Achaians. As to Lyſidas, the Megalopolitan,
" he, wiſely foreſeeing what was likely to come to
" paſs, frankly renounced his dominion during
" the life of Demetrius, and was received into
" the general confederacy of rights and privileges
" with the whole nation. Ariſtomachus, tyrant
" of the Argicus, Xeno of the Hermonians, and
" Cleonymus of the Phliatians, reſigning their
" authority at the time we mention, were likewiſe
" received into the alliance of the Achaians. In
" the mean time the Ætolians began to conceive
" jealouſies at the growing greatneſs and extra-
" ordinary ſucceſs of the Achaians, and baſely
" entered into a league with Antigonus, who at
" that time governed Macedon, and with Cleo-
" menes, king of the Lacedæmonians. Theſe
" three powers, Macedonia, Lacedæmon, and
" Ætolia, were to invade Achaia on all ſides;
" but the great political abilities of Aratus de-
" feated the enterprize. He conſidered that An-
" tigonus was a man of experience, and willing
" enough to make alliances; and that princes

" have

" have naturally neither friends nor enemies, but " meaſure amities and enmities by the rules of " intereſt: he therefore endeavoured, after a good " underſtanding with that prince, and determined " to propoſe the joining the forces of the Achai- " ans to his. He propoſed to cede him ſome " towns; and the alliance was formed, and the " Cleomenic war commenced. In the proſecution " of it, Cleomenes and his Spartans diſplayed the " utmoſt ferocity, and cruelty, particularly at " Ægium, where he put in practice ſo many out- " rages and cruelties of war, that he left not ſo " much as any appearance that it had been ever " a peopled place." There is great reaſon to ſuſ- pect that the Achaians were not leſs guilty of cruelty; for Polybius profeſſes to follow the ac- count given by Aratus himſelf, in a hiſtory which that prætor wrote of Achaia, who may be well ſuſpected of partiality; and Polybius himſelf was the ſon of Lycortas of Megalopolis, who perfected and confirmed the confederacy of the Achaians, and diſcovers throughout his hiſtory a ſtrong at- tachment to this people. If the hiſtory of Clear- chus was extant, we might poſſibly ſee that the Achaians, the Spartans, and Macedonians, were equally liable to the accuſation of inhumanity. Mantinæa was ſubjected to unſpeakable calamities as well as Ægium; but Polybius endeavours to cover this over with a veil by abuſing Clearchus, accuſing him with departing from the dignity of hiſtory and writing tragedies, by repreſenting wo- men with diſhevelled hair and naked breaſts, em- bracing each other with melting lamentations and tears, and complaints of men, women, and chil- dren, dragged away promiſcuouſly. He attempts to juſtify the puniſhment of this city, by charg- ing it with treacherouſly betraying itſelf into the hands

hands of the Spartans, and maſſacring the Achaian garriſon: but this was no more than the uſual effect of the continual revolutions in the Greek cities, from democracy to ariſtocracy, from that to monarchy, and back again through the whole circle. In every one of theſe cities there were three parties; a monarchical party, who deſired to be governed by a king or tyrant, as he was then called; an ariſtocratical party, who wiſhed to erect an oligarchy; and a democratical party, who were zealous for bringing all to a level. Each faction was for collecting all authority into one center in its own way; but unfortunately there was no party who thought of a mixture of all theſe three orders, and giving each a negative by which it might balance the other two: accordingly the regal party applied to Macedonian kings for aids and garriſons; the ariſtocratical citizens applied to Sparta for the like aſſiſtance, and the democratical factions applied to Aratus and the Achaian league. The conſequence was, as each party prevailed, they brought in a new garriſon, and maſſacred the old one, together with the leaders of the faction ſubdued. But is ſuch a ſyſtem to be recommended to the United States of America? If the Americans had no more diſcretion than the Greeks, no more humanity, no more conſideration for the benign and peaceful religion they profeſs, they would ſtill have to conſider, that the Greeks had in many places forty ſlaves, and in all places ten, to one free citizen; that the ſlaves did all the labour, and the free citizens had nothing to do but cut one another's throats. Wars did not coſt money in Greece; happily for the world, at preſent they are very expenſive. An American ſoldier will not ſerve one year without more money for pay than

than many of theſe Greek cities had for their whole circulating medium.--There is but one poſſible means of realizing M. Turgot's idea. Let us examine it well before we adopt it. Let every town in the Thirteen States be a free, ſovereign, and independent democracy: here you may nearly collect all authority into one center, and that center the nation. Theſe towns will immediately go to war with each other, and form combinations, alliances, and political intrigues, as ably as the Grecian villages did: but theſe wars and negociations cannot be carried on but by men at leiſure. The firſt ſtep to be taken, then, is to determine who ſhall be freemen, and who ſlaves. Let this be determined by lot. In every fifty men, forty are to be ſlaves, and ſtay at home unarmed, under certain overſeers provided with good whips and ſcourges, to labour in agriculture and mechanic arts; all commerce and navigation, fiſheries, &c. are to ceaſe of courſe. The other ten are to be free citizens, live like gentlemen, eat black broth, and go out to war; ſome in favour of tyrants, ſome for the well-born, and ſome for the multitude: for, even in the ſuppoſition here made, every town will have three parties in it; ſome will be for making the moderator a king, others for giving the whole government to the ſelect men, and a third ſort for making and executing all laws, and judging all cauſes, criminal and civil, in town meeting. Americans will well conſider the conſequences of ſuch ſyſtems of policy, and ſuch multiplications and diviſions of ſtates, and will univerſally ſee and feel the neceſſity of adopting the ſentiments of Aratus, as reported by Plutarch: "That ſmall cities could "be preſerved by nothing elſe but a continual "and combined force, united by the bond of "common

" the deſire of concord began, by degrees, to
" grow in the minds of the Ætolians. Demetrius
" died, when many great and noble occaſions were
" given to the Achaians of finiſhing the project
" they had conceived; for the tyrants who reign-
" ed in Peloponneſus, having loſt the ſupport of
" Demetrius who greatly favoured them, began
" now to deſpair; and, on the other hand, being
" awed by Aratus, who admoniſhed them to quit
" their governments, on promiſe of great honours
" and rewards to ſuch as voluntarily reſigned,
" and threatening others with hoſtility who re-
" fuſed; whereupon they reſolved to deſpoil
" themſelves of their dignities, reſtore their peo-
" ple to liberty, and incorporate them with the
" Achaians. As to Lyſidas, the Megalopolitan,
" he, wiſely foreſeeing what was likely to come to
" paſs, frankly renounced his dominion during
" the life of Demetrius, and was received into
" the general confederacy of rights and privileges
" with the whole nation. Ariſtomachus, tyrant
" of the Argicus, Xeno of the Hermonians, and
" Cleonymus of the Phliatians, reſigning their
" authority at the time we mention, were likewiſe
" received into the alliance of the Achaians. In
" the mean time the Ætolians began to conceive
" jealouſies at the growing greatneſs and extra-
" ordinary ſucceſs of the Achaians, and baſely
" entered into a league with Antigonus, who at
" that time governed Macedon, and with Cleo-
" menes, king of the Lacedæmonians. Theſe
" three powers, Macedonia, Lacedæmon, and
" Ætolia, were to invade Achaia on all ſides;
" but the great political abilities of Aratus de-
" feated the enterprize. He conſidered that An-
" tigonus was a man of experience, and willing
" enough to make alliances; and that princes

" have

ſea with the capital of that kingdom; where Rhadamanthus in his travels had collected thoſe inventions and inſtitutions of a civilized people, which he had the addreſs to apply to the confirmation of his own authority. Minos is ſtill more diſtinguiſhed: in his travels in the eaſt, he ſaw certain families poſſeſſed of unrivalled honours and unlimited authority, as vicegerents of the Deity. Although the Greeks would never admit, in the fulleſt latitude of oriental ſuperſtition and deſpotiſm, this odious profanation, yet Minos, taking advantage of his own unbounded reputation, and that enthuſiaſm for his perſon which his ſkill and fortune in war, his genius for ſcience, and talents for government, had excited among wandering credulous ſavages, ſpread a report that he was admitted to familiar converſations with Jupiter, and received from that deity his ſyſtem of laws, with orders to engrave it on tables of braſs. The great principle of it was, that all freemen ſhould be equal, and therefore that none ſhould have any property in lands or goods; but that citizens ſhould be ſerved by ſlaves, who ſhould cultivate the lands upon public account. The citizens ſhould dine at public tables, and their families ſubſiſt on the public ſtock. The monarch's authority was extremely limited, except in war. The magiſtracies were the recompence of merit and age; and ſuperiority was allowed to nothing elſe. The youth were reſtrained to a rigid temperance, modeſty, and morality, enforced by law. Their education, which was public, was directed to make them ſoldiers. Such regulations could not fail to ſecure order, and what they called freedom to the citizens; but nine-tenths of mankind were doomed to ſlavery to ſupport them in total idleneſs, excepting thoſe exerciſes

exerciſes proper for warriors, become more neceſſary to keep the ſlaves in ſubjection, than to defend the ſtate againſt the pirates and robbers with whom the age abounded. Idomeneus, grandſon of Minos, and commander of the Cretan forces in the Trojan war, was among the moſt powerful of the Grecian chiefs, and one of the few who returned in ſafety from that expedition. Here was a government of all authority in one center, and that center the moſt aged and meritorious perſons of the nation, with little authority in the king, and none in the reſt of the people; yet it was not of ſufficient ſtrength to hold together. The venerable old men could not endure the authority, or rather the pre-eminence, of the king. Monarchy muſt be aboliſhed; and every principal city became early a ſeparate independent commonwealth; each, no doubt, under its patriarch, baron, noble, or archon, for they all ſignify the ſame thing: and continual wars enſued between the ſeveral republics within the iſland; and Cretan valour and martial ſkill were employed and exhauſted in butchering one another, until they turned all the virtues they had left againſt mankind in general, and exerted them in piracies and robberies, to their univerſal infamy throughout all Greece: nor was Crete ever of any weight in Grecian politics after the Trojan war.

LETTER XLV.

CORINTH.

MY DEAR SIR,

MONARCHY remained in this emporium of Greece longer than in any other of the principal cities; but the noble families here could no better endure the ſuperiority of a monarch, than others in all countries; and with numerous branches of the royal family (named Bacchidæ, from Bacchis, fifth monarch in ſucceſſion from Aletes) at their head, they accordingly put to death Teleſtes, the reigning monarch; and uſurping the government, under an aſſociation among themſelves, inſtituted an oligarchy. An annual firſt magiſtrate, with the title of Prytanis, but with very limited prerogatives, like a doge of Venice, was choſen from among themſelves. Several generations paſſed away under the adminiſtration of this odious oligarchy: but the people at length finding it intolerably oppreſſive, expelled the whole junto, and ſet up Cuypſelus as a monarch or tyrant. He had long been the head of the popular party, and was deſervedly a popular character, poſſeſſed of the confidence and affection of his fellow citizens to a great degree, or he never could have refuſed the guard which was offered him for the protection of his perſon againſt the attempts of the defeated oligarchy. His moderation and clemency are allowed by all; yet he is univerſally called by the Grecian writers,

Tyrant of Corinth, and his government a Tyranny. Ariſtotle, l. v. c. 12, informs us that his tyranny continued thirty years, becauſe he was a popular man, and governed without guards. Periander, one of the ſeven wiſe men, his ſon and ſucceſſor, reigned forty-four years, becauſe he was an able general. Pſampſneticus, the ſon of Gorgias, ſucceeded, but his reign was ſhort; yet this ſpace of ſeventy-ſeven years is thought by Ariſtotle one of the longeſt examples of a tyranny or an oligarchy. At the end of this period the nobles again prevailed; but not without courting the people. The tyranny was demoliſhed, and a new commonwealth eſtabliſhed, in which there was a mixture of oligarchy and democracy, to prevent the firſt from running into exceſs of oppreſſion, and the other into turbulence and licence.

Here we find the uſual circle: monarchy firſt limited by nobles only; then the nobles, becoming envious and impatient of the monarch's preeminence, demoliſh him, and ſet up oligarchy. This grows inſolent and oppreſſive to the people, who ſet up a favourite to pull it down. The new idol's poſterity grow inſolent; and the people finally think of introducing a mixture of three regular branches of power, in the one, the few, and the many, to controul one another, to be guardians in turn to the laws, and ſecure equal liberty to all.

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" into a democracy, and from a democracy into " a tyranny; and ſometimes a contrary change " takes place, as from a democracy into an oli- " garchy, rather than into a monarchy. With re- " ſpect to a tyranny, he neither ſays whether " there will be any change in it; or, if not, to " what cauſe it will be owing; or, if there is, " into what other ſtate it will alter: but the reaſon " of this is, that a tyranny is an indeterminate " government; and, according to him, every " ſtate ought to alter into the firſt and moſt per- " fect: thus the continuity and circle would be " preſerved. But one tyranny often changed " into another; as at Syria, from Muros to Cliſ- " thenes; or into an oligarchy, as was Antileos at " Chalcas; or into a democracy, as was Chari- " laus's at Lacedæmon, and at Carthage. An " oligarchy is alſo changed into a tyranny: ſuch " was the riſe of moſt of the ancient tyrannies in " Sicily: at Leontium, into the tyranny of Pa- " nætius; at Gela, into that of Cleander; at " Rhegium, into that of Anaxilaus; and the like " in many other cities. It is abſurd alſo to ſup- " poſe, that a ſtate is changed into an oligarchy " becauſe thoſe who are in power are avaricious " and greedy of money; and not becauſe thoſe, " who are by far richer than their fellow-citizens, " think it unfair that thoſe who have nothing " ſhould have an equal ſhare in the rule of the " ſtate with themſelves, who poſſeſs ſo much: for " in many oligarchies it is not allowable to be " employed in money-getting, and there are " many laws to prevent it. But in Carthage, " which is a democracy, money-getting is credit- " able; and yet their form of government re- " mains unaltered."

Whether theſe obſervations of Ariſtotle upon Plato

Plato be all juſt or not, they only ſerve to ſtrengthen our argument, by ſhewing the mutability of ſimple governments in a fuller light. Not denying any of the changes ſtated by Plato, he only enumerates a multitude of other changes to which ſuch governments are liable; and therefore ſhews the greater neceſſity of mixtures of different orders, and deciſive balances, to preſerve mankind from thoſe horrible calamities which revolutions always bring with them.

LETTER XLVI.

ARGOS.

MY DEAR SIR,

IN order to form an adequate idea of the miſeries which were brought upon the Greeks by continual and innumerable revolutions of government, it ſhould be conſidered, that the whole Peloponneſus was ſcarcely two hundred miles in length, and one hundred and forty in breadth, not much more extenſive than the ſmalleſt of the Thirteen States of America. Such an inherent force of repulſion, ſuch a diſpoſition to fly to pieces, as poſſeſſed the minds of the Greeks, would divide America into thouſands of petty deſpicable ſtates, and lay a certain foundation for irreconcileable wars.

Although Thucydides and Ariſtotle, as well as Homer, inform us, that kingdoms were here-

ditary, and of limited authority, yet the limitations appear to be very confuſed; they were the limitations of nobles rather than of people; and the firſt ſtruggles for power were between kings and archons. The kings had no ſtanding armies; and all the forces under their authority, even when they took the field, could be commanded only by the nobles, who had their peculiar diſtricts of land and people to govern: theſe were illuſtrious and independent citizens; like the barons who demanded the great charter, communicated to each other their grievances, and took meaſures to remove them: but, being generally as averſe to popular as to regal power, their conſtant aim was an ariſtocracy; they accordingly extinguiſhed monarchy, but did not ſecure the rights of the people. The immediate effect of this revolution only multiplied evils. Oppreſſed by kings, Greece was much more oppreſſed by archons; and, anciently too much divided, was ſtill more ſubdivided under the new forms of government. Many inferior cities diſdained the juriſdiction, and even the ſuperior influence, of their reſpective capitals; affected independent ſovereignty; and each town maintained war with its neighbours. Each independent ſtate had a right to ſend two members to the Amphictyonic council. The abolition of royalty rendering the independent ſtates more numerous, increaſed the number of Amphictyons to one hundred members, and more; and an oath was required, that the member ſhould never ſubvert any Amphictyonic city: yet every exceſs of animoſity prevailed among the Grecian republics, notwithſtanding the interpoſition of the Amphictyons.

Argos

Argos was founded by Danaus, the Egyptian, about the time that Athens was ſettled by Cecrops. At the Trojan war it was the firſt of the ſtates, and ever continued the rival of Sparta. Though the royal dignity ſeemed more firmly ſettled under Agamemnon than under any other chief, yet Argos was one of the firſt of the ſtates upon the continent to aboliſh monarchy, and that as early as on the death of Celſus, Son of Temenus, the deſcendant of Hercules. No account of its new conſtitution is preſerved: but, from analogy, we may be convinced, that a reſtleſs body of nobles overturned the monarchy; and, as it was ſubject to frequent and violent diſorders, that the archons could not agree upon the form of their oligarchy; and ſet up for independency in their different diſtricts, ſtates, or cities, a little ſooner than in other republics. The higher and lower ranks were continually at variance; the democratical faction was commonly ſuperior; ſometimes tyrants were ſet up over all; and once, according to Herodotus,* the ſlaves got poſſeſſion of the city, took upon them the adminiſtration of affairs, and exerciſed the magiſtracies.

The government muſt have been ill conſtituted, as no Rhadamanthus or Minos, no Lycurgus or Solon, no Zaleucus or Charondas, nor any other legiſlator of ſuperior wiſdom and probity, ever acquired the power; and no fortunate coincidence of circumſtances ever occurred to unite liberty and adminiſtration, law and government, upon a ſtable baſis. One famous tyrant, Pheidon, lineal ſucceſſor of Hercules, a prince of great abilities, but no moderation, raiſed himſelf, rather than his country, to a ſuperiority

* Lib. vi.

which

which ceaſed with him. For want of diſtinct orders and ſteady balances, by which the wills and the forces of the people might have been ſubjected to the laws, Argos loſt that pre-eminence among the Grecian ſtates which it had obtained under a monarchy. Every little town in Argolis was ſeized with the caprice of independence, and oppoſed the general government, at the ſame time that the metropolis betrayed an ambition to domineer over the inferior towns. Civil wars enſued: Mycenæ, Trœzene, Epidaurus, and other villages of leſs conſequence, were often conquered and garriſoned, but never ſubdued. Neceſſity taught them to unite. They reproached Argos with tyranny, and Argos the others with rebellion. Union enabled them to ſet at defiance their capital, by means of intrigues and alliances with Lacedæmon, the never-failing reſource of one party or the other in every democratical ſtate. The pretence was, the Perſian war, which Argos declined. This was called a baſe dereliction, and excited, by the help of Spartan emiſſaries, hatred and contempt in Sicyon, Naupila, Heliæa, and other towns, beſides thoſe mentioned before. Argos alone, of all the cities in Peloponneſus, openly eſpouſed the cauſe of Athens. This circumſtance alone, if it was not accidental, is enough to ſhow, that this city had more ſenſe and profound wiſdom than all the reſt; for Sparta was certainly then leading all Greece to deſtruction. In other reſpects, the Argives diſcovered the ſame temper and the ſame underſtanding with all the others; for they led their whole forces againſt Mycenæ, took it by ſtorm, decimated the inhabitants, and demoliſhed the town. Is it not ſublime wiſdom to ruſh headlong into all the diſtractions and diviſions,

viſions, all the aſſaſſinations and maſſacres, all the ſeditions, rebellions, and eternal revolutions, which are the certain conſequence of the want of orders and balances, merely for the ſake of the popular caprice of having every fifty families governed by all authority in one center? Even this would not ſatisfy; the fifty families would ſoon diſſolve their union, and nothing would ever content them ſhort of the complete individual independence of the Mohawks; for it may be depended on, that individual independence is what every unthinking human heart aims at nearly or remotely.

LETTER XLVII.

IPHITUS.

DEAR SIR,

ELEIA had been the ſcene of athletic games, celebrated with great pomp by aſſemblies of chiefs from various parts of Greece. Iphitus, a grandſon of Oxylus, ſucceeded to the throne of Elis. Active and enterpriſing, but not by inclination a ſoldier, he was anxious for a remedy for the diſorderly ſituation of his country. Among all the violence, feuds, and wars, ſuperſtition maintained its empire, and the oracle of Delphi was held in veneration.

Iphitus ſent an embaſſy to ſupplicate information from the deity, "How the anger of the gods, "which

"which threatened total deſtruction to Peloponneſus, through the endleſs hoſtilities among "its people, might be averted?" He received an anſwer which he had probably dictated, "That "the Olympian feſtival muſt be reſtored: for "that the neglect of that ſolemnity had brought "on the Greeks the indignation of Jupiter and "Hercules; to the firſt of whom it was dedi-"cated, and by the laſt of whom it had been in-"ſtituted." Iphitus proceeded to model his inſtitution; and ordained that a feſtival ſhould be held at the temple of Jupiter at Olympia, near Piſa in Eleia, for all the Greeks to partake in, and that it ſhould be repeated every fourth year; that there ſhould be ſacrifices to Jupiter and Hercules, and games in honour of them; that an armiſtice ſhould take place throughout Greece for ſome time before the commencement of the feſtival, and continue ſome time after its concluſion. A tradition was reported, that the Heraclides had appointed Oxylus to the throne of Elis, and the guardianſhip of the temple of Olympian Jupiter, and conſecrated all Eleia to the god. A reputation of ſanctity became attached to the whole people of Eleia, as the hereditary prieſthood of Jupiter; and ſecluded them from all neceſſity of engaging in politics or war.—But it was not poſſible, by any inſtitutions of religion, to deſtroy that elaſticity given by nature to the mind of man, which excites continually to action, often palpably againſt men's intereſts, which was ſtrong in the general temper of the Greeks, and which can never be ſubdued or reſtrained in any nation but by orders and balances. Reſtleſs ſpirits aroſe, not to be ſatisfied. The Eleians often engaged as auxiliaries in the wars of other ſtates, on pretence of aſſerting the cauſe of religion; but even

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in that cauſe itſelf they could not agree among themſelves. While monarchy ſubſiſted in the poſterity of Iphitus, as it did for ſome generations, Eleia continued under one government; but at length the ſpirit of democracy prevailed there, as elſewhere in Greece, and with the ſame effects: every town claimed independency; Piſa and Elis became ſeparate commonwealths. Olympia was ſituated within the territory of Piſa, on the northern bank of the river Alpheius, which alone ſeparated it from that city. Elis was thirty miles diſtant; but the Eleians retained the guardianſhip of the temple, and ſuperintendency of the feſtival. The Piſæans now diſputed their right; wars aroſe between the two cities; each endeavoured to gain allies. At one time, Pheidon, tyrant of Argos, claiming to be by birth the proper repreſentative of Hercules, took to himſelf the guardianſhip of the temple, and preſided at the games; at another time the Piſæans prevailed, and preſided at ſome Olympiads. At length the Eleans deſtroyed Piſa ſo entirely, that not a ruin was left; and ever after, excepting in the 104th Olympiad, when the Arcadians violently interfered, they held the preſidency undiſturbed.

If a democracy could ever, in any caſe, hold together, it would be natural to expect it in this inſtitution of Iphitus, which, founded wholly on religion, had procured ſo much proſperity and veneration to his people: but it is as rational to expect that a glaſs bubble, with a drop of water incloſed in it, will reſiſt the heat of the fire: the vapour within will blaſt it into duſt and atoms.

LETTER

LETTER XLVIII.

THEBES.

DEAR SIR,

FABLE, and hiſtory too, relate that this city was governed anciently by kings; ſixteen of whom, from Cadmus the Phœnician, who founded it, to Xanthus, are enumerated. After the death of the laſt, the Thebans changed their government to a democratical republic. Their orders and balances are not known; but their factions and diviſions, as well as their dulneſs, is remembered. From the analogy of all the other Grecian ſtates, it is probable that archons preſided over the ſeveral cities of Bœotia, as their ſeparate diſtricts, and had a king at their head, like Ulyſſes in Ithaca, and Alcinous in Phæacia; that the king, whoſe domain was Thebes, had ſometimes an inclination to favour his capital more than the ſubordinate towns; and that the archons grew impatient of his monarchy, and aſpired at independency: the jealouſy and rivalry of cities favoured the factious views of the archons, and were probably fomented for that purpoſe.

Is it an inſtance of their want of penetration, or was it from neceſſity, that they choſe the two heads of oppoſite factions for their higheſt annual magiſtrates? Iſmenias was one; an honeſt man, a friend to liberty, and conſequently an advocate for an equilibrium of powers in the conſtitution. Leontidas, the other, was ambitious of the whole power to himſelf, and of governing

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by a council of his friends; but, finding his rival more popular than himſelf, he ſold the citadel to a Spartan general, upon condition that he and his party ſhould rule. When this was effected, he ſeized his colleague, and had him tried, condemned, and executed, *for caballing againſt the government.* The friends of Iſmenias fled in a panic, and were baniſhed by a public edict; for it ſeems that a revolution without baniſhments and confiſcations, at leaſt, is a degree of moderation and ſelf-government of which nations are wholly incapable. The exiled citizens, who in this caſe were the honeſt men and friends of liberty, among whom was Pelopidas, returned from Athens in diſguiſe, deſtroyed the tyrant and his crew, and, with the help of Epaminondas and his friends, regained the citadel. Theſe two ſages and heroes had now enough to do: firſt, to inſpire a little underſtanding and unanimity into their fellow-citizens; then to diſcipline them for war, and conquer their enemies; and, at laſt, to frame a good conſtitution of government. They accompliſhed all but the laſt, to their immortal glory: but Pelopidas was killed in battle before the war was finiſhed; and Epaminondas grew unpopular, and was rejected by faction even from the command of the army: a ſufficient proof that the ariſtocratical and democratical factions were nearly equal. He was re-inſtated, indeed, after the blunders and defeats of his ſucceſſor had brought the citizens to re-pentance, but was ſlain in battle at the moment of victory: ſo that the Theban republic never had the benefit of his advice in the formation of a new code of laws; as ſhe had never made any figure, excepting a momentary fame under theſe two great men, and was at length totally deſtroyed by Alexander.

The ruin of Bœotia was occaſioned by the ſineſſe of Antalcidas, in his Perſian treaty. The Thebans, as well as Argives, had withheld their aſſiſtance in the Perſian war. Antalcidas knew that the ſubordinate cities of Theſpiæ, Platea, Aulis, Anthemon, Larymna, Aſchra, Coronea, Labadea, Delium, Alalkomene, Leuctra, Chæronea, all wiſhed for independence; they accordingly rejected the juriſdiction and ſovereignty of Thebes. The Thebans ſolicited Sparta to take a part in their domeſtic quarrels; and, againſt her own favourate treaty, made by her artful ambaſſador, ſhe accepted the propoſal. The virtuous and amiable Spartan ſenate perceived that it was equally their intereſt that Argos ſhould loſe her juriſdiction over her revolted towns, and that Thebes, the rival neighbour of Athens, ſhould recover her authority in Bœotia; but, notwithſtanding partial ſucceſſes, ſhe could not regain her authority over all the cities, until Epaminondas aroſe, after eighty years of civil wars. Had there been a governor in Bœotia, and a ſenate, and a houſe of repreſentatives, compoſed of an equitable proportion of deputies from Thebes and all the leſſer cities—and each of theſe branches poſſeſſed of an independent negative in the legiſlature, while the whole executive was in the governor—would theſe civil wars have happened? theſe endleſs contentions between the nobles and people, the capital and ſubordinate cities? theſe intrigues of one party with Athens, and another with Sparta? The very diſinclination, both in Thebes and Argos, to engage in the Perſian war, aroſe wholly from their domeſtic diſſenſions; and theſe from the want of judicious orders and balances.

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After the abolition of monarchy in Bœotia, there was an effort to collect all authority into one center; but the nation found, that, although laws might be thus made, they could not be ſo executed. There muſt, therefore, be an executive magiſtrate; but not being able to agree, in order to pleaſe both ſides, the leader of each faction muſt be choſen. They could not agree, as might have been foreſeen, and ſplit the nation at once into two hoſtile armies; one of which ſought the alliance of Sparta, and the other that of Athens. Thus it ever was, and ever will be, in ſimilar caſes. It is much to be regretted, that Epaminondas did not live to diſplay his talents as a legiſlator; the world might poſſibly have been bleſſed with ſomething like an Engliſh conſtitution, two or three thouſand years ſooner than it was.

LETTER XLIX.

ANCIENT ARISTOCRATICAL REPUBLICS.

CROTONA.

PYTHAGORAS.

MY DEAR SIR,

PYTHAGORAS, as well as Socrates, Plato, and Xenophon, were perſuaded that the happineſs of nations depended chiefly on the form of their government: they were fully ſenſible of the real miſery, as well as dangerous tendency, both of democratical licentiouſneſs and monarchical tyranny; they preferred a well-tempered ariſtocracy to all other governments. Pythagoras and Socrates, having no idea of three independent branches in the legiſlature, both thought, that the laws could neither prevent the arbitrary oppreſſions of magiſtrates, nor turbulent inſolence of the people, until mankind were habituated by education and diſcipline to regard the great duties of life, and to conſider a reverence of themſelves, and the eſteem of their fellow-citizens, as the principal ſource of their enjoyment. In ſmall communities, eſpecially where the ſlaves were many and the citizens few, this might be plauſible; but the education of a great nation can never accompliſh ſo great an end. Millions muſt be brought

brought up, whom no principles, no ſentiments derived from education, can reſtrain from trampling on the laws: orders of men, watching and balancing each other, are the only ſecurity; power muſt be oppoſed to power, and intereſt to intereſt. Pythagoras found this by experience at Crotona, where the inferior ranks, elated with the deſtruction of Sybaris, and inſtigated by an artful ambitious leader, Cylon, clamoured for an equal partition of the conquered territory: this was denied them, as inconſiſtent with an ariſtocratical government; a conſpiracy enſued againſt the magiſtrates, who were ſurpriſed in the ſenate-houſe, many put to death, and the reſt driven from their country. Pythagoras was one of the baniſhed, and died ſoon afterwards, in extreme old age, at Metapontum. The Crotonians had ſoon cauſe to repent their inſurrection; for they were defeated, with all their forces, by the Locrians and Rhegians, with ſmaller numbers.

The other Greek cities of Italy which had imitated the example of Crotona, in depoſing their magiſtrates, were harraſſed with wars againſt each other, and againſt their neighbours. In conſequence of theſe diſtreſſes, the diſciples of Pythagoras again recovered their reputation and influence; and about ſixty years afterwards, Zaleucus and Charondas, the one in Locris, and the other in Thurium, revived the Pythagorean inſtitutions. In forty years more, a new revolution drove the Pythagoreans entirely from Italy, and completed the miſery of that beautiful country. Thus experience has ever ſhewn, that education as well as religion, ariſtocracy as well as democracy and monarchy, are, ſingly, totally inadequate to the buſineſs of reſtraining the paſſions of men, of preſerving a ſteady government, and protecting

the lives, liberties, and properties of the people. Nothing has ever effected it but three different orders of men, bound by their intereſts to watch over each other, and ſtand the guardians of the laws. Religion, ſuperſtition, oaths, education, laws, all give way before paſſions, intereſt, and power, which can be reſiſted only by paſſions, intereſt, and power.

It is no wonder that M. Turgot ſhould have entertained very crude conceptions of republican legiſlation; it is a ſcience the leaſt underſtood of any in the whole circle: all other orders of men of letters in Europe, as well as phyſicians, for a long time, have thought it "litteræ nihil ſanantes." It is a kind of erudition which neither procures places, penſions, embaſſies, chairs in academies, nor fame nor practice in the pulpit, at the bar, nor in medicine. A miniſter of ſtate of great abilities and merit, as well as reputation, advanced to the head of the affairs of a reſpectable monarchy, by one of the greateſt princes that has ever lived, I mean the Baron de Hertſberg, has within a few years ſet an example, in a royal academy of ſciences, of inquiry into this ſubject. In a learned and ingenious diſcourſe, delivered by himſelf, he has attempted to ſhow the advantages of ſimple monarchy over all kinds of republican governments, even that beſt ſpecies of them, limited monarchies: but did this worthy miniſter expect that any of his brother academicians would conteſt with him the merits of ſuch governments? Men of letters are not fond of martyrdom in this age, nor of ruining their reputations. It is not, however, my deſign to diſcuſs any queſtions at preſent concerning abſolute monarchies, though the principles I contend for might be traced through the hiſtory of every monarchy and empire in Europe.

rope. Even in theſe there are orders, checks, and balances contrived, at leaſt againſt abuſes in adminiſtration, and for the preſervation of the laws. The ſcience of government has received very little improvement ſince the Greeks and Romans. The neceſſity of a ſtrong and independent executive in a ſingle perſon, and of three branches in the legiſlature inſtead of two, and of an equality among the three, are improvements made by the Engliſh, which were unknown, at leaſt never reduced to practice, by the ancients. Machiavel was the firſt who revived the ancient politics: the beſt part of his writings he tranſlated almoſt literally from Plato and Ariſtotle, without acknowledging the obligation; and the worſt of the ſentiments, even in his prince, he tranſlated from Ariſtotle, without throwing upon him the reproach. Monteſquieu borrowed the beſt part of his book from Machiavel, without acknowledging the quotation. Milton, Harrington, Sidney, were intimately acquainted with the ancients, and with Machiavel. They were followed by Locke, Hoadley, &c. The reputation which is to be acquired by this kind of learning may be judged of by the language of Mr. Hume: "Compoſitions the moſt deſpicable, both for "ſtyle and matter, ſuch as Rapin Thoyras, "Locke, Sidney, Hoadley, &c. have been ex"tolled, and propagated, and read, as if they "had equalled the moſt celebrated remains of "antiquity." Hume's Hiſtory of England, vol. viii. p. 323.—Such is the ſtyle in which this great writer ſpeaks of writings which he moſt probably never read. But although the time is long ſince paſſed when ſuch writings were extolled, propagated, or read, the contempt of them is as faſhionable, as likely to procure places and pen-

ſions, and to make a book ſell now, as it was when Mr. Hume wrote.

The facts in theſe letters relative to Venice are taken from the Abby Laugier and Moor's Travels; thoſe relative to the ancient republics, excepting the authorities already quoted, are taken from Robertſon, Montague, Potter, the Univerſal Hiſtory, and eſpecially from Mitford, Gillies, and Ferguſon, three very valuable and elegant productions, which deſerve to be carefully ſtudied by all America. I have made free uſe of their expreſſions as well as reflections, without noting them; if you would ſee how much has been borrowed, you muſt read.

M. Turgot was as little converſant in this kind of erudition as Mr. Hume. The former, however, was a lover of liberty; but it was of that kind of liberty which he meditated to introduce into France, and could reconcile with a ſimple monarchy: he was too good a ſubject to think of introducing a free conſtitution of government into his own country. For the liberty of commerce, the liberty of religious ſentiments, and the perſonal liberty of the ſubject, ſuch as are eſtabliſhed by the laws, in a monarchy, he was an enthuſiaſt; and enthuſiaſm for liberty, the common cauſe of all mankind, is an amiable fervour, which is pardonable even when it is not according to knowledge; but he was neither an enthuſiaſt for a free conſtitution of government, nor did he know in what it conſiſted.

LETTER

LETTER L.

ANCIENT DEMOCRATICAL REPUBLICS.

CYBARIS.

CHARONDAS.

MY DEAR SIR,

THE city of Sybaris was a Grecian colony in Italy, planted by Achaians; and, according to Diodorus Siculus,* its beautiful ſituation between two rivers, the Crathis and the Sybaris, the extent and fertility of its territory, and the freedom of its laws, had, in a ſhort ſpace of time, drawn together a prodigious number of inhabitants, and greatly enriched them.

But the common fate of all nations and cities attended them. They had three parties; a chief, a better ſort, and a people. The moſt powerful citizens were caballing as uſual againſt the chief, whoſe name was Telys, and, whatever his character for virtue was, appears to have had more cunning than Grecian chiefs commonly had, at leaſt he diſcerned better where the balance lay; for he courted the people, by flattering their follies. He excited a popular cry againſt the ariſtocratical party, drove them from the city, confiſcated their fortunes, and diſtributed them among the reſt of the citizens. The exiles fled to Crotona. Telys ſent ambaſſadors to demand them, on pain of war. Pythagoras thought the cauſe of his

* Lib. xii. p. 6.

ariſtocratical friends juſt, and perſuaded his fellow-citizens to refuſe to deliver them up. The Sybarites marched an army; but were met by another from Crotona, with Milo, the ſtrong man, at their head, whoſe reputation prevailed; the Sybarites were all maſſacred, and their city pillaged and left a deſart. Firſt happy effect of a government without acknowledged orders and legal balances! —Fifty-eight years afterwards, ſome Theſſalians eſtabliſhed themſelves at Sybaris: they had not been there five years, when the Crotonians came and drove them out.—Under Callimachus, archon of Athens, it was re-peopled the third time, and had the name of Thurium. A populous colony was ſent there, under Lampon and Xenocrates, who built a beautiful city for a capital, and twenty-five ſubordinate cities: but the inhabitants could not long live in good intelligence among themſelves; they fell into diſſenſions, grew extravagant, luxurious, and effeminate to a proverb. The quarrel began in this manner:—The old inhabitants of Sybaris erected themſelves into a kind of nobility, and arrogated to themſelves all the public employments of any diſtinction, vouchſafing to the new-comers only thoſe of leaſt importance; they inſiſted, moreover, that their wives ſhould ſacrifice the firſt to the gods, and that the other ladies ſhould not commence their devotions till the firſt had concluded: not content with diſtinctions ſo aſſuming, they went farther, and took to themſelves, in the diſtribution of the lands, all thoſe which were neareſt the city, and left only the more diſtant to thoſe whom they called foreigners. The latter, being more numerous and more brave, carried their reſentments ſo far, as to put all the old families to death, and remained

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ſole poſſeſſors of all the territory within the walls. Not having people enough left, they invited others from various parts of Greece, divided houſes and lands among them, entered into alliance with Crotona, and became opulent. They divided the people into ten tribes, and eſtabliſhed among them a democratical government, and choſe for their legiſlator Charondas, who, having examined to the foundation the laws of all countries, choſe out of them, for his country, the wiſeſt and moſt convenient. Some others he added, drawn from his own meditations. His laws are loſt, and therefore his orders and balances are not known. It is, nevertheleſs, certain, that orders and balances exiſted in his inſtitution, from certain regulations preſerved by Diodorus:

1. He excluded from all his public councils all men who, having children, ſhould marry a ſecond time; and thus mortify their children with the authority of a ſtep-mother.

2. As another check to his democracy, he ordained that all who ſhould be convicted of calumny, ſhould be conducted through the ſtreets crowned with tamarin; a puniſhment ſo infamous, that ſeveral put an end to their own lives rather than ſubmit to it.

3. He prohibited all ſociety with wicked men: for, ſays he, the diſpoſition to evil is very ſtrong; and many of thoſe who at firſt love virtue, are often drawn in, by the charms of ſecret ſeductions, to the greateſt vices.

4. He ordained, that all the ſons of every family ſhould learn to write and read under maſters in the pay of the public. This law alone has merit enough to conſecrate to immortality the memory of this legiſlator, and deſerves to be imitated by every free people at leaſt.

5. That

5. That the property of orphans ſhould be adminiſtered by the relations by the father; but their perſons and education entruſted to thoſe by the mother.

6. All thoſe who ſhould refuſe to take arms for their country, or quit their ranks in the army, inſtead of being puniſhed by death, ſhould be expoſed three days in a public ſquare of the city in women's clothes.

7. To preſerve this democratical arrangement, he thought it neceſſary to prohibit all propoſals of changes in his laws. His principle was, that it was as advantageous to ſubmit to the laws, as it is dangerous to ſubject the laws to individuals; and, therefore, in trials he reprehended and ſilenced all criminals, who ſubſtituted turns of eloquence and arbitrary interpretations in place of the letter of the laws, and charged them with violating their authority and majeſty. The queſtion is, ſaid Charondas, "Whether you ſhall ſave "the law or the criminal?"

8. Struck with the diſorders and ſeditions which he had ſeen in many democratical cities, he ordained that no citizen ſhould preſent himſelf in the public aſſembly, to propoſe any reformation or alteration in the law, without an halter about his neck, which he ſhould wear till the people had deliberated and determined: if the people decreed the propoſed alteration hurtful or unneceſſary, the reformer ſhould be ſtrangled on the ſpot. This regulation ſilenced all new legiſlators ſo entirely, that only three examples occured of any changes.

All his precautions were inſufficient:—Returning from the country with his ſword, which he had taken to defend himſelf againſt highwaymen, he found the aſſembly in diviſion and confuſion. He haſtened to compoſe the tumult. One of his

enemies reproached him with violating his own law, by coming into the aſſembly armed. Charondas, who had forgotten the ſword, cried, I mean to obſerve and enforce the law, and plunged it into his own heart, wearied, moſt probably, into a contempt of life by the diſorders incident to unbalanced parties.

When every legiſlator who has attempted a democratical eſtabliſhment, has confeſſed its inherent tendency to immediate diſſolution, by the ſtrongeſt rigours againſt propoſals of innovation, and numberleſs other proviſions to controul it, which have all been found ineffectual, is it worth while ſtill to cheriſh the fond idea, when three branches are found, by experience, ſo effectually to check each other; when in two independent aſſemblies improvements and reformations may be ſo eaſily and ſafely propoſed and adopted, and ſuch as are not beneficial rejected?

LETTER LI.

LOCRIS.

ZALEUCUS.

MY DEAR SIR,

ZALEUCUS was of Locris in Italy, not far diſtant from Sybaris. He was a diſciple of Pythagoras, of noble birth, and admirable morals. Having acquired the eſteem and confidence of his fellow-citizens, they choſe him for their legiſlator. Unfor-

Unfortunately little remains of his laws but their preamble; but this is in a ſtyle ſo ſuperior to all the other legiſlators, as to excite regret for the loſs of his code. In this preamble he declares, that all thoſe who ſhall inhabit the city, ought, above all things, to be perſuaded that there is a God; and if they elevate their eyes and thoughts towards the heavens, they will be convinced, that the diſpoſition of the heavenly bodies, and the order which reigns in all nature, are not the work of men, nor of chance; that, therefore, they ought to adore the gods, as the authors of all which life preſents us of good and beautiful; that they ſhould hold their ſouls pure from every vice, becauſe the gods accept neither the prayers, offerings, or ſacrifices of the wicked, and are pleaſed only with the juſt and beneficent actions of virtuous men. Having thus, in the beginning of his laws, fixed the attention of his fellow-citizens upon piety and wiſdom, he ordains, above all things, that there ſhould never be among them any irreconcileable enmity; but, on the contrary, that thoſe animoſities which might ariſe among them, ſhould be only a paſſage to a ſure and ſincere reconciliation; and that he who would not ſubmit himſelf to theſe ſentiments, ſhould be regarded as a ſavage in a civilized community. The chiefs of his republics ought not to govern with arrogance nor pride; nor ſhould the magiſtrates be guided in their judgements by hatred nor by friendſhip.

This preamble, inſtead of addreſſing itſelf to the ignorance, prejudices, and ſuperſtitious fears of ſavages, for the purpoſe of binding them to an abſurd ſyſtem of hunger and glory for a family purpoſe, like the laws of Lycurgus, places religion, morals, and government, upon a baſis of philoſophy, which is rational, intelligible, and eter-

nal, for the real happineſs of man in ſociety, and throughout his duration.

The principle adopted by this legiſlator, as the motive to action next to the ſenſe of duty and ſocial obligation, was the ſenſe of honour, like that of Lycurgus. As Zaleucus was a diſciple of Pythagoras, whoſe favourite plan of government was a well-tempered ariſtocracy, we may conjecture, that ſuch was the form recommended to the Locrians: but all are loſt, and certainly no argument can be drawn from them in favour of one popular aſſembly. If, in viſiting the Sybarites and Locrians, we have found nothing in favour of M. Turgot's ſyſtem, nor any thing very material againſt it, we have found a greater advance towards civilization than in all the laws of Lycurgus and Solon, excepting only the trial by jury inſtituted by the latter; I mean in the preamble of Zaleucus, and in the general education to letters in ſchools, at the public expence, by Charondas.

LETTER

LETTER LII.

ROME.

PLEBEIANS SCRAMBLING AFTER PATRICIANS; OR DEMOCRACY HUNTING DOWN ARISTOCRACY; OR TRIBUNES IN CHASE OF A SENATE.

MY DEAR SIR,

WE have before ſeen, in the hiſtory of Rome, with what eagerneſs the ariſtocracy purſued and demoliſhed the monarchy: the kings are commonly reproached with tyranny, and the nobles are applauded for reſiſtance to it; but it is clear that the nobles were as tyrannical, and that their eternal plots and conſpiracies againſt the kings, their power, their crowns, and their lives, were the cauſe and the provocation to that tyranny. It is impoſſible to ſay which were worſt, the nobles or kings; both certainly were bad enough in general, and both frequently violated the laws, as it will ever happen when there are but two branches. The people as yet had no adequate power to aid or controul either. By the inſtitution of Romulus, indeed, the Roman people, even the loweſt claſs of the citizens, inſtead of being prohibited to engage in all kinds of labour, after the example of the Spartans, were directed to apply themſelves to paſturage, agriculture, and mechanic arts. This had its natural effect; and immediately after the revolution, by which

which the monarchy was aboliſhed, and ariſtocracy ſet up, though we find the patricians at their uſual game of encroaching on the people, yet we find there was a people, a numerous, hardy, courageous people, who were not diſpoſed to ſubmit: they ſoon began a reſiſtance, and to demand more power to reſiſt; and having obtained one conceſſion, they required another, until they obtained an equality with the patricians. So far they were in the right; and if the two powers could have remained equal, juſtice, liberty, and happineſs, the effect of equal laws, might have been enjoyed: but human nature can never reſt—once in motion, it rolls, like the ſtone of Siſyphus, every inſtant when the reſiſting force is ſuſpended. Diodorus Siculus is very right, lib. xix. when he ſays, "It is of the nature of man to aſpire continually "at ſomething greater than his preſent condition, "and to wiſh that his power might increaſe in- "ſtead of decreaſing, or reſting as it is." Dr. Ferguſon, who follows very accurately Dionyſius of Halicarnaſſus, Livy, and Polybius, will furniſh us with a good account of the ſteps by which the Roman people proceeded to augment their own power, and diminiſh that of the ſenate, until they obtained the whole. I ſhall give an abridgement of the ſtory very nearly in Ferguſon's words.—In their career, however, the people loſt their morals and their wiſdom, as they ever will in ſuch a courſe, and were ready to confer the ſovereignty on the line of Cæſars, even before they had completely obtained it. Thoſe irregularities, and that final cataſtrophe, were all occaſioned by the imperfections in their *balance*. If the conſuls had been poſſeſſed of a negative in the legiſlature, and of all the executive authority, and the ſenate and people had been made equal and independent in the firſt eſta-

eſtabliſhment of the commonwealth, it is impoſſible for any man to prove that the republic would not have remained in vigour and in glory at this hour.

The government of Rome, in the 244th year from the building of the city after the expulſion of Tarquin, was become wholly ariſtocratical: the nobles, excluſively, had the legiſlative, executive, and judicial power, without any third party to hold the balance between them and the people; for the conſuls, although they were executive magiſtrates, united in their perſons the dignities of the ſtate: thoſe of judges, magiſtrates, and military leaders, were underſtood to come in the place of kings, and performed all the functions of royalty; yet they were only parts and miniſters of the ſenate. While the exiled king was endeavouring, by continual invaſions, to recover his power, diſputes aroſe between the parties who had united to expel him. Creditors, ſupported by the ariſtocracy, of which the nobles were now in full poſſeſſion, became ſevere in the exaction of debts, or the patrons laid claim to more than the clients were willing to pay. The ſtate was diſtracted at once by its enemies from abroad, and by the diſſenſion of parties at home. The authority of the new government not being ſufficient to contend with theſe difficulties, the ſenate reſolved to place themſelves and the commonwealth, for a limited time, under the power of a ſingle perſon, under the title of dictator.

The inferior claſs of the people, almoſt excluded from any ſhare in the new government, ſoon found, that under its influence, they had more oppreſſion to fear from their patrons than they had ever experienced from the prince they had baniſhed. So long as the king

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and the ſenate ſhared in the powers of the ſtate, the one took part with the people, when the other attempted to oppreſs them; and it was the ordinary intereſt and polity of the prince to weaken the nobles, by ſupporting the plebeians againſt them. This effect of the monarchy ſtill, in ſome meaſure, remained ſo long as the exiled king was alive, maintained his pretenſions, and made the united ſervices of the people neceſſary to the ſenate; but upon the death of the king, the nobles availed themſelves of their power, and enforced their claims on the people with extreme ſeverity. In the capacity of creditors, they impriſoned, ſtripped, and enſlaved thoſe who were indebted to them, and held the liberties and lives of their fellow-citizens at their mercy. The whole body of plebeians was alarmed; they ſaw more formidable enemies in the perſons of their own nobility, than in the armies of any nation whatever. Many who had already ſuffered under the rod of their creditors, when called upon to enliſt, ſhewed their limbs galled with fetters, or torn with ſtripes which they had received by command of their mercileſs patrons. Theſe diſtractions obliged the ſenate to have recourſe to another dictator; and Valerius, who was appointed for his popularity, repelled the enemy. The ſenate, upon his return, not fulfilling his promiſes to the people, they retired to the Sacred Mountain. The ſenate was obliged to negotiate, to mitigate the ſeverities againſt inſolvent debtors, and conſent to the appointment of tribunes: this was in the year 260, ſixteen years after the revolution. Had the plebeians diſcontinued their collective aſſemblies for every purpoſe but elections, and increaſed their tribunes to four or five hundred repreſentatives, even this would not have been a radical cure,

without ſeparating the conſuls from the ſenate, and giving them, or one of them, the executive power, and a negative both upon the ſenate and popular aſſembly in the legiſlature: but there was too much prejudice, and too little knowledge, for ſo great an improvement. The people contented themſelves with the appointment of a leader under the name of Tribune, who, without power to protect them effectually, had enough to head every popular tumult, and blow up every ſpark to a flame. An aſſembly of repreſentatives would have had an equal right with the ſenate to propoſe laws, to deliberate, debate, alter, amend, improve; but the tribunes were authorized only to forbid any meaſure they thought injurious, but not to propoſe any law, or move any reſolution. Not permitted to mix with the ſenators, they had places at the door of the ſenate houſe, as their office was felt to be a dangerous one. Their perſons were made ſacred; and every one was devoted to the infernal gods who ſhould even ſtrike them. An oath was to be taken to obſerve this law; and the idea of the ſanctity of a tribune took ſuch deep root, that the emperors afterwards were protected from aſſaſſins by this ſacred title of Tribune. The college of tribunes at firſt was not limited to any number; but in proceſs of time they increaſed from three to ten. Patricians could not by law be elected; yet the people, to ſhew that they never will be ſteady to any law, even to thoſe moſt directly contrived for their benefit, ſometimes departed from this. The tribunes were at firſt elected in the curiæ, where the vote of the pooreſt citizen was equal to that of the moſt wealthy. But even here the patricians, beſides their great influence, had even a negative on all proceedings by holding the auſpices;

auſpices: for this reaſon it was thought neceſſary to alter the form of the aſſembly, in which the tribunes were elected, to that of the tribes; and by this means to enable the people to make their election without any controul from the nobles, either in virtue of the authority of the ſenate, or the interpoſition of the augurs. Theſe would have been real improvements of the conſtitution, if they had proportionally augmented the authority of the conſuls at the ſame time; but probably there would have been as many prejudices againſt ſuch a propoſal among the people, as in the ſenate. All the popular jealouſies and alarms at regal authority would have been excited by demagogues in the ſenate as well as in the comitia; for there are in all nations ariſtocratical demagogues as well as democratical. Theſe expedients were adopted by the ſenate to quiet the animoſities of parties; but tended, in fact, only to render the conteſt between them more equal, and to multiply the ſubjects of diſpute. The tribunes being veſted with power to aſſemble the people, could not long be confined to the mere negative with which they were firſt entruſted. The party of the plebeians, with theſe magiſtrates at their head, were then in a poſture not only to preſerve their right, but likewiſe to gain to their order continual acceſſions of power. Happily for the ſtate there was yet much ground to be gained without tranſgreſſing the bounds of order, or the authority of equitable government. The bar of hereditary diſtinction was the ſtrongeſt obſtacle which the popular leaders in this career had to break through. The nobles among the Romans, as well as among the Greeks, generally traced back their lineage, in ſome manner or other, to gods and goddeſſes; and the divine original of nobility, and the eſſential

diſtinction between the two orders of nobles and commons, the one being believed a ſuperior order of beings to the other, was founded in their inſtitutions of religion, and in popular belief: and although ſome pretenſions are ſet up ſtill in many parts of Europe to the divine right of nobility, yet they are generally held in ſo little eſtimation, that a modern can hardly form an idea of the difficulty the tribunes muſt have found to overcome this inveterate prejudice of ſuperſtition. No perſonal merit, no actual ſervice, no meaſure of ability or virtue, could remove, as it was pretended, the diſqualification of plebeian birth. One of the firſt ſteps towards aboliſhing this diſtinction was to preclude every other power in the ſtate from a negative on their proceedings. For this purpoſe it was enacted by the tribes, that no one, under pain of death, or of a fine at diſcretion, ſhould interrupt a tribune while he was ſpeaking to the people. Nothing can be more curious than theſe popular efforts to get the better of their own ſuperſtitious prejudices: they could not depend upon their own firmneſs to ſupport their own peculiar magiſtrate, till they made themſelves believe that his perſon was ſacred, as well as the other magiſtrates. Being thus provided againſt interruption, as they were by a former law againſt violence to their perſons, they not only took up the complaints of their conſtituents, but ſuggeſted new claims to be made by them; and at every ſucceſſion to office, endeavoured to ſignalize their term by ſome additional eſtabliſhment for the benefit of the people. They interrupted the ſtate in its councils and wars, and hung upon the wheels of government until the grievances they complained of were redreſſed, or the demands they made were complied with. In order to increaſe the

the number of plebeian officers, whoſe aid the tribunes alledged was neceſſary to themſelves, they, ſoon after their own inſtitution, procured that of the ædiles, who were to inſpect the market, and have charge of the public buildings and public ſhows. The qualifications of candidates for the office of conſul furniſhed, during ſome ages, the ſubject of continual debates: civil and military tranſactions were conſtantly blended together. The ſenate frequently involved the ſtate in war, in order to ſuſpend its inteſtine diviſions; and the people as often took occaſion, from the difficulties in which the community was involved by its enemies, to extort a compliance with their own demands. The firſt ſubject of contention was the diſtribution of the corn which the ſenate had purchaſed as a proviſion againſt the famine, which the late interruption of induſtry and agriculture, by the ſeceſſion of the people, had occaſioned. Coriolanus was for compelling the people, by hunger, to part with their tribunes, and the other conceſſions which had been extorted from the ſenate. The younger nobility applauded his ſentiments; but the majority were afraid of another ſtorm, and agreed to deliver corn from the public granaries at a moderate price. The people, however, were not appeaſed; they were greatly incenſed againſt Coriolanus; and the tribunes cited him to appear before the tribunal of the people, to anſwer for the inſult he had offered them. The ſenate and patricians were diſpoſed to protect him; but expected to be able to acquit him in the comitia of the centuries, the only tribunal before which any capital accuſation of a citizen had ever been tried. The tribunes, however, determined to introduce an innovation, and inſiſted that the people ſhould aſſemble in their

tribes. Coriolanus, ſeeing himſelf already condemned by this method of proceeding, withdrew, and joined the enemies of his country. This novelty made a total change in the conſtitution; for the aſſembly of the centuries formed an ariſtocracy, that of the tribes a democracy. As it was not with any preciſion determined by law what buſineſs ſhould be done in one aſſembly, and what in the other, the patricians and plebeians, inſtead of balancing each other by regular checks, were in danger of rendering the adminiſtration of the ſtate a continual ſcene of contradictions, which ſerved to the laſt hour of the republic as an object of popular zeal, and furniſhed a ſpecious pretence to ambitious and deſigning men. This very uncertainty, producing continual altercations and wars, produced great ſtateſmen and warriors, no doubt; but a regular, well-ordered conſtitution will never fail to bring forth men capable of conducting the national councils and arms; and it is of infinitely more importance to the national happineſs, to abound in good merchants, farmers, and manufacturers—good lawyers, prieſts, and phyſicians—and great philoſophers, than it is to multiply what are called great ſtateſmen and great generals. It is a miſerable ſervitude, whether you call it a republic or a deſpotiſm, where the law is uncertain and unknown; and it is only under the ſecurity of certain and known laws, that arts, ſciences, agriculture, commerce, and trades, can ever be made to flouriſh. Another ſubject of diſpute was ſoon introduced, which ſerved to the laſt hour of the republic as an object of popular zeal, and furniſhed a ſpecious pretence to ambitious and deſigning men to captivate the ears of the populace—an equal diviſion of land, known by the name of

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an Agrarian Law. By this was by no means meant a community of goods and lands, or an equal diviſion of all the lands and goods; the Roman people had too much ſenſe and honeſty ever to think of introducing into practice ſuch an abſurd figment of the brain: but the Romans, during the late ariſtocratical times, and the wars againſt Tarquin, had ſuffered the conquered lands to paſs by connivance, occupancy, or purchaſe, into the hands of powerful citizens, inſtead of dividing them equally among the people. Sp. Caſſius, the conſul, who was in favour with the people, and affected ſtill farther popularity by flattering the paſſions of the inferior claſſes, foreſeeing that the tribunes would ſoon think of this object, determined to make a merit to himſelf by anticipating them. Poſſeſſing himſelf of ſome of theſe lands, he oſtentatiouſly made a diviſion of them among the more indigent citizens; and obtained an appointment of three commiſſioners to inquire into the evil, and conſider of a remedy. The patricians were alarmed; but Caſſius had numbers on his ſide, and was ſo confident of ſucceſs, that he betrayed too ſoon his ambitious deſign, by offering the freedom of the city to aliens, who at his invitation crowded from all parts to vote in the aſſemblies of the Roman people. This convinced all parties that his views were, by the means of aliens and indigent citizens, to uſurp the government. All parties combined againſt him, and he was condemned for treaſon. The tribunes had no ſooner deſtroyed Caſſius, than they adopted his project, and inſiſted on the law for the nomination of three commiſſioners: from this time commences a ſtruggle between the tribunes and ſenate, patricians and plebeians, the various operations of which would take up too much

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an Agrarian Law. By this was by no means meant a community of goods and lands, or an equal diviſion of all the lands and goods; the Roman people had too much ſenſe and honeſty ever to think of introducing into practice ſuch an abſurd figment of the brain: but the Romans, during the late ariſtocratical times, and the wars againſt Tarquin, had ſuffered the conquered lands to paſs by connivance, occupancy, or purchaſe, into the hands of powerful citizens, inſtead of dividing them equally among the people. Sp. Caſſius, the conſul, who was in favour with the people, and affected ſtill farther popularity by flattering the paſſions of the inferior claſſes, foreſeeing that the tribunes would ſoon think of this object, determined to make a merit to himſelf by anticipating them. Poſſeſſing himſelf of ſome of theſe lands, he oſtentatiouſly made a diviſion of them among the more indigent citizens; and obtained an appointment of three commiſſioners to inquire into the evil, and conſider of a remedy. The patricians were alarmed; but Caſſius had numbers on his ſide, and was ſo confident of ſucceſs, that he betrayed too ſoon his ambitious deſign, by offering the freedom of the city to aliens, who at his invitation crowded from all parts to vote in the aſſemblies of the Roman people. This convinced all parties that his views were, by the means of aliens and indigent citizens, to uſurp the government. All parties combined againſt him, and he was condemned for treaſon. The tribunes had no ſooner deſtroyed Caſſius, than they adopted his project, and inſiſted on the law for the nomination of three commiſſioners: from this time commences a ſtruggle between the tribunes and ſenate, patricians and plebeians, the various operations of which would take up too much

ſpace to relate. The tribunes were honoured in proportion to the part they took in ſupport of the popular cauſe, and their animoſity againſt the ſenate. Every new tribune endeavoured to ſignalize his year, by ſuggeſting ſome new point to be gained by the people. One law was obtained to ſubſtitute the aſſembly of the tribes for that of the curiæ, in the election of tribunes; another to exclude the patricians entirely from the aſſembly of the tribes. The agrarian law they frequently moved in the interval of other pretenſions, or together with other claims, in order to alarm the ſenate, and force them to a compromiſe. The powers and artifices of both parties were ſoon exerted in another conteſt, in which the people were in the right, and purſued the moſt rational and neceſſary object imaginable—a new code of laws which ſhould regulate the forms of judicial proceedings; yet even this was not purſued ſo much from the love of juſtice, or the ſpirit of liberty, as to gain a point from the patricians, whoſe power was greatly ſupported by the diſcretionary judicial powers they had in their hands. This great object, which the Engliſh nation have purſued for ſo long a courſe of time, under the names of Folcright or Common Law, they alone have had the wiſdom to accompany with prerogatives to the crown, and privileges to the nobility, which have ſecured thoſe two branches of the conſtitution; at the ſame time that, by eſtabliſhing a body of laws, and regular formal proceedings in the courts of juſtice, they have ſecured their own rights and liberties. The Roman people were not ſo wiſe; by neglecting to give any adequate prerogatives to the conſuls, and by undermining the power of the ſenate in proportion as they introduced regular law to protect their

their own rights, they undermined every other power in the conſtitution, and devolved the whole upon themſelves. In the career they loſt all their integrity and morals: they oppoſed an ardour not to be cooled or diſcouraged, or reſtrained by ſcruples in the choice of means, to the great authority and addreſs of the nobles. A popular party are apt to think that the rules of veracity and candour may be diſpenſed with, and that deceit and violence may without any ſcruple be employed in their own favour. With leſs honour and dignity to maintain than their adverſaries, they are leſs afraid of imputations that detract from either; and their leaders, ſupported by the voice of the more numerous party, are leſs apprehenſive of evil fame. In this conteſt, accordingly, fictitious plots and conſpiracies were fabricated by the popular ſide, and fictitious deſigns againſt the liberties of the people were imputed to the patricians, in order to render them odious, and to deter them from appearing in ſupport of their real pretenſions. The ſenate at laſt agreed to the nomination of three commiſſioners to be ſent to Greece, and make a collection of laws. The report they made was accepted, and the decemvirs appointed by ſenate and people to compile a body of laws. Theſe ten were intended only as a committee to prepare a draught for the conſideration of the ſenate and people; yet they had ſo much credit with the people as to be veſted with a temporary ſovereignty; and ſuperſeded the authority of the ſenate as well as the conſuls; and had unlimited power over the lives and fortunes of their fellow-citizens. They preſented a number of laws, engraven on ten tables or plates, containing a ſummary of the privileges

of

of the people, the crimes to be puniſhed, and the forms of judicial proceedings. They ſaid their plan was unfiniſhed; and, deſiring a renewal of their powers, obtained it for another year: two more tables were added, which, with the former ten, made the Law of the Twelve Tables. In theſe laws the diſtinction of patrician and plebeian was ſo great, that perſons of theſe different orders were not permitted to intermarry. Bankruptcy was made a crime; and, without any diſtinction between fraud and misfortune, expoſed the inſolvent debtor to the mercy of his creditors, who might put him to death, diſſect, or quarter him, and diſtribute his members among them. This law was brought from Greece, and ſhews the atrocious ideas and manners of the age. Although we have no account of the law being executed in its utmoſt extent, we know that, in conſequence of it, debtors were, by the courts of law, delivered bound into the hands of creditors, and frequently ſcourged and whipped in a moſt cruel and unmerciful manner. Giving to fathers the power of magiſtrates, or the power of life and death, over their children, may have ſome reaſons aſſigned for it; but nothing can ever account for the people's accepting ſuch a law of debtor and creditor among the Greeks or Romans, but the ſuppoſition that property was entirely in the hands of patricians; and that the people had the blindeſt ſuperſtitious opinion, that the patricians, as deſcendants of gods, were a ſuperior order of beings. It is no wonder that the people, after this, often clamoured for an abolition or diminution of debts: why they never demanded an abolition of the law, is another queſtion.—One other of theſe laws deſerves particular

particular notice. In private, every family were free to worſhip the gods in their own way; and in public, though certain forms were required, yet there was not any penalty annexed to the omiſſion of them, as the puniſhment of offences in this matter was left to the offended god. This, probably, was the ſource of that wiſe and humane toleration which does ſo much honour to the Romans, and reflects diſgrace on almoſt every Chriſtian nation. The ardour of the people to obtain this code had nearly coſt them their liberties. The power of a magiſtrate was ſuppoſed to determine only by his own reſignation. The decemvirs, taking advantage of this defect in the conſtitution, continued the exerciſe of their power; and the people, to ſhew that they never can be jealous of men who are in poſſeſſion of their confidence, acquieſced in their uſurpation; until the father of Virginia, by exerciſing his lawful authority in defence of his daughter's honour, exhibited a ſpectacle of horror which gave a turn to the imaginations, and arouſed all the paſſions of the people to the expulſion of the decemvirs, as ſuch another event had before given occaſion to the abolition of monarchy.—Patricians and plebeians now united, and a tide of mutual confidence began to flow. Two very popular perſons were choſen conſuls: the conſecration of the tribunes was renewed, and extended to the ædiles, and the other inferior officers who acted under the tribunes in preſerving the rights of the people. The patricians conſented to have the acts of the ſenate formally recorded, placed in the temple of Ceres, and committed to the care of the ædiles. As the conſuls had been hitherto the keepers and interpreters of their decrees, and had

had often ſuppreſſed or carried into execution their acts at their pleaſure, this was a conſiderable diminution of the power of the conſuls.

The comitia were of three ſorts—the curiæ, the centuries, and the tribes. The centuries alone, in which the patricians had an undoubted majority as well as in the ſenate, had as yet the authority of making laws for the commonwealth: this ſtill preſerved the ariſtocratical character of the republic. Now the plebeians denied the legiſlative authority of the ſenate; and the ſenate denied the right of the tribes to make laws. Equity required that the plebeians ſhould have a voice in the legiſlature; but inſtead of becoming a branch of it, inſtead of aiming at a deliberative or negative voice in it, by which they might concur with the ſenate and comitia of the centuries, or, which would have been infinitely better, with the ſenate and conſuls as two independent branches, they obtained a ſeparate and independent power of legiſlation. Hence the intricacy of this conſtitution; hence three diſtinct ſources of laws—decrees of the ſenate, acts of the centuries, and reſolutions of the tribes—ſenatus conſulta, leges, plebiſcita: a ſource of diviſion, diſtraction, and tumult, which never ceaſed to iſſue ſtreams till the authority of the ſenate was wholly deſtroyed, and a dominatio plebis began. The plebeians, having removed theſe inequalities, grew ſo much the more impatient of thoſe which remained. They were ſtill excluded from the office of conſul, from that of the prieſthood, and were forbidden intermarriage with the nobles. In the year of the city 308, Canuleius, a plebeian and a tribune, moved to repeal the law of the twelve tables, which prohibited the intermarriage

of patricians and plebeians; and the nine other tribunes claimed, that the office of conſul ſhould be held by plebeians as well as patricians.

The ſenate, and the whole order of nobles, by ſtudied delays, and by the uſual artifice of involving the ſtate in foreign wars, ſuſpended the determination of theſe queſtions; but at length were obliged to gratify the people with the intermarriages of different ranks, in order to pacify them on the refuſal of their claim on the conſulate. To elude this demand, it was ſaid that the ſacrifices and other duties of the prieſthood, many of which were to be performed by the conſul, could not, by the ſacred laws of religion, be performed without profanation by perſons of plebeian extraction, or by any but thoſe of noble birth. This argument ſilenced the people for ſome time; but neither ſuperſtition nor the true religion, any more than education, oaths, morals, or any other tie, will long reſtrain an unbalanced party, urged by its intereſt, and ſtimulated by a growing paſſion for power: an evaſion, a mere change of a word, will anſwer the purpoſe of eluding ſuperſtitious fears, and even the dictates of conſcience. The title of Conſul was changed for that of Military Tribune; and no ſacerdotal function being included in the duties of this office, plebeians, though not qualified to be conſuls, were elected military tribunes, with conſular power. The military and ſacerdotal functions had before been united; they were now ſeparated, and, as the people thought, without profanation. But another office remained to tempt the people and their tribunes, that of Cenſor. The cenſus had been a principle object of the executive power; the kings had always held it, and after them the conſuls: at every period

of

of five years, they could diſpoſe of every man's rank, aſſign him his claſs, place him in the rolls of the ſenate or the knights, or ſtrike him off of either, degrade or diſfranchiſe him, as they thought proper. A power ſo important, although it had not been hitherto flagrantly abuſed, might eaſily be ſo; and the ſenate would naturally dread the admiſſion of the plebeians to it. While they admitted them, therefore, to be elected tribunes with conſular power, they ſtipulated that the cenſus ſhould be ſeparated from it, and that this charge ſhould remain with perſons of patrician birth.—The invaſion of the Gauls had burnt the city, and, it was thought, extinguiſhed the republic for ever: Manlius ſaved the capitol, and Camillus reſtored the commonwealth. During a period of one hundred and ſeventeen years which followed, the Romans were involved in perpetual wars againſt the Equi, the Volſci, the Hernici, the Etruſcans, and ſome of their own Latin confederates; yet theſe did not wholly ſuſpend their internal convulſions, which gave birth to new political inſtitutions. The plebeians, far from being ſatisfied with their paſt acquiſitions, made continual efforts to extend their privileges. The tribunes, by traducing the ſenate, and by diſplaying in their harangues the ſeverities of the patrician creditor, and the ſufferings of the plebeian debtor, ſtill inflamed the animoſity of the popular party. The republic itſelf was ſo feebly eſtabliſhed, that ambitious citizens were encouraged, by means of factions raiſed among perſons of the lower claſs, to entertain thoughts of ſubverting the government. In this manner Manlius, the champion of the capitol, preſuming on his merit, thought himſelf above the laws, and incurred the imputation of aſpiring to be king.

Four

Four hundred citizens, whom he had redeemed from their creditors, and releaſed from chains—the ſpoils of thirty enemies ſlain by himſelf in battle—forty badges of honour, conferred on him by generals under whom he had ſerved—many citizens whom he had reſcued from the enemy, among whom was Servilius, the ſeccond in command to the dictator—could not ſave him from being thrown from the rock on which he had ſo lately ſignalized his valour. Such was the influence of the ſenate, ſuch "the treaſons for "which the friends of the people were to be ſa-"crificed to the ſenate," as he ſaid; and ſuch the popular prejudice againſt the name of a king. Yet it is certain, that the beſt thing the Roman people could have done at that time, would have been to have made him a king, with a negative; preſerving at the ſame time their own negative, and that of the ſenate. The plebeians had been now above forty years in poſſeſſion of a title to hold the office of conſular tribune, but had not been able to prevail over the influence of the patricians at any election: by the increaſe of their numbers in the firſt and ſecond claſſes, by their intermarriages with patrician families, and by the aſſiduity and influence of individuals who aſpired to the office, they at laſt obtained the dignity of conſular tribune for one of their own order, and from thenceforward began to divide the votes of the centuries with the patrician candidates.—They ſoon aſpired to the title of conſuls. Stolo and Sextius were placed in the college of tribunes to urge this point. They propoſed three laws:—1ſt. For relief of inſolvent debtors, by cheating their creditors of part of their debts. 2dly. To limit eſtates in land to five hundred jugera, about three hundred acres. 3dly. To reſtore

reſtore the election of conſuls, in place of conſular tribunes, with an expreſs proviſion that at leaſt one of the conſuls ſhould be of plebeian deſcent. The patricians prevailed upon ſome of the tribunes to diſſent from their colleagues, and ſuſpend, by their negatives, all proceedings upon theſe laws. Licinius and Sextius, in their turn, ſuſpended the uſual election of magiſtrates, and put a ſtop to all the ordinary affairs of ſtate. An anarchy of five years enſued. The patricians ſtill inſiſted on the ſacrilege and profanation that would be incurred by ſuffering the rites uſually performed by the conſuls to paſs into plebeian hands. The tribunes, to elude this myſterious objection, which laid faſt hold on the ſuperſtitious minds of the people, contrived a ſhift. They moved, that the ordinary attendants on the ſacred rights ſhould be augmented from two to ten; and that of theſe one half ſhould be named of plebeian extraction. The patricians ſtruggled as long as they could, but were at laſt obliged to give way—1ſt. To the acts in favour of inſolvent debtors. 2dly. To the agrarian law, or limitation of property in land. 3dly. To the new eſtabliſhment relating to the prieſthood, and to the communication of the conſulate itſelf to perſons of plebeian rank. The plebeian party prevailed in all their points, and raiſed Sextius, the tribune, to the office of conſul: and, from one ſtep to another, they obtained that all the offices, whether of prætor or ædile, of dictator or cenſor, were in proceſs of time filled with perſons of either rank, and the diſtinction of patrician or plebeian became merely nominal. The only effect it now had was favourable to the plebeians, as it limited the choice of tribunes to their own order; while, in common with the patricians,

tricians, they had acceſs to every other dignity in the ſtate. In this acccount of the Roman conſtitution, we are now come nearly to that ſtate of its maturity, at which Polybius began to admire the felicity of its inſtitutions, and the order of its adminiſtration. The maſs, however, was far from being ſo well compacted, or the unity of power ſo well eſtabliſhed, as it is in the Engliſh conſtitution; the ſenate and the popular aſſemblies, in their legiſlative capacities, counteracted one another. However, from this time forward, through a long period of wars, with Greeks, Gauls, Italians, and Carthaginians, the domeſtic policy of the ſtate appears to be wiſe and orderly. The diſtinction between patrician and plebeian was become altogether nominal; the deſcendants of thoſe who had held the higher offices of ſtate were, in conſequence of the preferments of their anceſtors, conſidered as noble; and, as the plebeians now found no difficulty in obtaining the offices of ſtate, they were continually opening the way of their poſterity to the rank of nobles. The plebeians were entitled by law to claim one of the conſul's ſeats, and frequently occupied both. The authority of the ſenate, the dignity of the equeſtrian order, and the manners of the people in general, were guarded, and in a great meaſure preſerved, by the integrity and ſtrict exerciſe of the cenſorial power. The wiſeſt and moſt reſpected of the citizens, from every condition, were raiſed into office; and the aſſemblies, whether of the ſenate or the people, without envy and without jealouſy, ſuffered themſelves to be governed by the counſels of a few able and virtuous men. The ſpirit of the people was, however, in a high degree democratical; and though they ſuffered themſelves to be governed by the

ſilent influence of perſonal authority in a few of their citizens, yet they could not endure any ſpecies of uncommon pre-eminence, even that which aroſe from the luſtre and well-founded pretenſions of diſtinguiſhed merit.

The conduct of the Romans towards the Greeks ſhould not be forgotten; ſince it appears to have been copied from the policy of Antalcidas in his Perſian treaty. The ſtates of the Achæan league, already on the decline, haſtened, by the temerity and diſtractions of their own councils, the career of their fortunes to its termination. The Romans, even while they ſuffered this famous republic to retain the ſhew of its independence, had treated its members, in many particulars, as ſubjects. At the cloſe of the war with Perſeus, they had cited to appear at Rome, or taken into cuſtody as priſoners of ſtate, many citizens of Achaia: of theſe they had detained about a thouſand in different priſons of Italy. After a period of ſeventeen years, three hundred who remained alive were ſet at liberty. Polybius was one of them: he attached himſelf to Scipio, the ſon of Emilius, and no doubt contributed much to his education and great character.

The Romans, while they detained ſo many Greek priſoners, aſſumed the adminiſtration of affairs in Greece, diſpoſed of every diſtinction, whether of fortune or power, to their own tools. They received appeals from the judgement of the Achæan council, and encouraged its members, contrary to the expreſs conditions of their league, to ſend ſeparate embaſſies to Rome. The Spartans, having been forced into the Achæan confederacy, continued refractory in moſt of its councils. By ſome of their complaints at Rome, they

they obtained a deputation from the ſenate to hear parties on the ſpot, and to adjuſt their differences. The Achæan council, incenſed at this inſult which was offered to their authority, proceeded to enforce their own decrees againſt the republic of Sparta, marched an army, and defeated the inhabitants of that city who ventured to oppoſe them. The Roman commiſſioners arriving after theſe hoſtilities, ſummoned the parties to aſſemble at Corinth, and, in the name of the ſenate, gave ſentence—*That Lacedæmon, Corinth, Argos, Heraclea, and Orchomenos, not having been original members of the Achæan confederacy, ſhould now be disjoined from it*; and that all the cities which had been reſcued from the dominion of Philip ſhould be left in full poſſeſſion of their freedom and independency. A war enſued, in which Metellus and Mummius defeated the Greeks, and the Achæan league was diſſolved.

The enmity and the friendſhip of the Romans was equally fatal. As the Achæan league was diſſolved, on having incurred their reſentment, ſo the remnant of the Spartan republic periſhed, in having accepted their protection: and nothing could be more juſt than that the Spartans ſhould periſh under an inſidious policy, which they themſelves had firſt invented, practiſed, and ſuggeſted to the Romans; who, under the command of Flaminius, about fifty years before this date, in order to detach the Grecian cities from Philip, proclaimed with ſo much oſtentation, at the Iſthmus of Corinth, *general independence, and the free exerciſe of their own laws, to all the republics of Greece.* The Achæan league was diſſolved, and all their conventions annulled. The ſtates which had compoſed it were deprived of their ſovereignty, ſubjected to pay a tribute, and placed

under the government of a perſon annually ſent from Rome with the title of Prætor of Achaia. —But the ſucceſs of the Roman arms abroad became the ſource of a ruinous corruption at home. In the ſtate itſelf, the governing and the governed felt ſeparate intereſts, and were at variance from motives of avarice, as well as ambition. Two hundred and thirty years had elapſed ſince the animoſities of patrician and plebeian were extinguiſhed by the equal participation of public honours. This diſtinction itſelf was, in a great meaſure, obliterated, and gave way to a new one, which, under the denomination of *nobles* and *commons*, or *illuſtrious* and *obſcure*, without involving any legal diſparity of privileges, gave riſe to an ariſtocracy, which was partly hereditary, founded on the repeated ſucceſſion to honours in the ſame family; and partly perſonal, founded on the habits of high ſtation, and in the advantages of education, ſuch as never fail to diſtinguiſh the conditions of men in every great and proſperous ſtate. Theſe circumſtances conferred a power on the nobles, which, though leſs invidious, was not leſs real than that which had been poſſeſſed by the ancient patricians. The exerciſe of this power was lodged with the ſenate, a body which, though by the emulation of its members too much diſpoſed to war, and ambitious of conqueſt, was never ſurpaſſed in magnanimity, ability, or in ſteadineſs, by any council of ſtate whatever. The people had ſubmitted to the ſenate, as poſſeſſed of an authority which was founded in the prevailing opinion of their ſuperior worth; and even the moſt aſpiring of the commons allowed themſelves to be governed by an order of men, amongſt whom they themſelves, by proper efforts and ſuitable merit, might hope to aſcend. The knights, or the equeſtrian order,

order, being perſons poſſeſſed of eſtates or effects of a certain valuation, and ſecluded from the purſuit of political emolument or honour, formed, between the ſenate and the people, an intermediate rank, who, in conſequence of their having a capital, and being leſs engaged than the ſenators in affairs of ſtate, became traders, contractors, farmers of the revenue, and conſtituted a ſpecies of moneyed intereſt. Circumſtances which appear to be fixed in the political ſtate of nations, are often no more than a paſſage in the ſhifting of ſcenes, or a tranſition from that which a people have been, to what they are about to become. The nobles began to avail themſelves of the high authority and advantages of their ſtation, and to accumulate property as well as honours. Citizens contended for offices in the ſtate, as the road to lucrative appointments abroad; and when they had obtained this end, and had reigned for a while in ſome province, they brought back from their government a profuſion of wealth ill acquired; and the habit of arbitrary and uncontrouled command. When diſappointed in the purſuits of fortune abroad, they became the leaders of dangerous factions at home: or, when ſuddenly poſſeſſed of great wealth, they became the agents of corruption, to diſſeminate idleneſs and the love of ruinous amuſements in the minds of the people. The city was gradually crowded with a populace, who tempted with the cheap or gratuitous diſtribution of corn, by the frequency of public ſhows, by the conſequence they enjoyed as members of the popular aſſemblies, flocked to Rome. There they were corrupted by idleneſs and indigence; and the order itſelf was continually debaſed by the frequent acceſſion of emancipated ſlaves. A turbulent populace tyrannized, in their turn, over

the maſters of the world, and wreaked on the conquerors of ſo many nations the evils which they themſelves had ſo freely inflicted on mankind. Citizens of this extraction could not for ages arrive at any places of truſt, in which they could by their perſonal defects injure the commonwealth; but they increaſed, by their numbers and their vices, the weight of that dreg, which, in great and proſperous cities, ever ſinks by the tendency of vice and miſconduct, to the loweſt condition. They became a part of that faction, who are ever actuated by envy to their ſuperiors, by mercenary views, or by abject fear; who are ever ready to eſpouſe the cauſe of any leader againſt the reſtraints of public order; diſpoſed to vilify the more reſpectable ranks of men, and, by their indifference on the ſubjects of juſtice or honour, to fruſtrate every principle that may be employed for the government of mankind, beſides fear and compulſions. Although citizens of this deſcription were yet far from being the majority at Rome, yet it is probable that they were in numbers ſufficient to contaminate the whole body of the people; and if enrolled promiſcuouſly in all the tribes, might have had a great weight in turning the ſcale of political councils. This effect, however, was happily prevented by the wiſe precaution which the cenſors had taken, to confine all citizens of mean or ſlaviſh extraction to four of the tribes. Theſe were called the tribes of the city, and formed but a ſmall proportion of the whole. Notwithſtanding this precaution, we muſt ſuppoſe them to have been very improper parties in the participation of ſovereignty, and likely enough to diſturb the place of aſſembly with diſorders and tumults. While the inferior people ſunk in their characters, or were debaſed

debaſed by the circumſtances mentioned, the ſuperior ranks, by their application to affairs of ſtate, by their education, by the ideas of high birth and family diſtinction, by the ſuperiority of fortune, began to riſe in their eſtimation, in their pretenſions, and in their power; and they entertained ſome degree of contempt for perſons, whom the laws ſtill required them to admit as their fellow-citizens and equals. In this diſpoſition of parties, ſo dangerous in a commonwealth, and amidſt materials ſo likely to catch the flame, ſome ſparks were thrown, that ſoon kindled up anew all the popular animoſities which ſeemed to have been ſo long extinguiſhed. Tiberius Gracchus, born of a plebeian family, but ennobled by the honours of his father, by his deſcent, on the ſide of his mother, from the firſt Scipio Africanus, and by his alliance with the ſecond Scipio, who had married his ſiſter, being now a tribune of the people, and poſſeſſed of all the accompliſhments required in a popular leader, great ardour, reſolution, and eloquence, formed a project in itſelf extremely alarming, and in its conſquences dangerous to the peace of the republic. Being called to account for his conduct as quæſtor in Spain, the ſeverity he experienced from the ſenate, and the protection he obtained from the people, filled his breaſt with animoſity to the one, and a prepoſſeſſion in favour of the other. Actuated by theſe diſpoſitions, or by an idea not uncommon to enthuſiaſtic minds, that *the unequal diſtribution of property, ſo favourable to the rich, is an injury to the poor*, he propoſed a revival of the law of Licinius, by which Roman citizens had been reſtrained from accumulating eſtates in land above the value of five hundred jugera, little more than half as many acres. This was become impracticable, and

even dangerous, in the preſent ſtate of the republic. *The diſtinctions of poor and rich are as neceſſary, in ſtates of conſiderable extent, as labour and good government. The poor are deſtined to labour; and the rich, by the advantages of education, independence, and leiſure, are qualified for ſuperior ſtations.* The empire was now greatly extended, and owed its ſafety, and the order of its government, to a reſpectable ariſtocracy, founded on the poſſeſſion of fortune, as well as perſonal qualities and public honours. The rich were not, without ſome violent convulſion, to be ſtript of eſtates which they themſelves had bought, or which they had inherited from their anceſtors. The poor were not qualified at once to be raiſed to a ſtate of equality with perſons enured to a better condition. The project ſeemed to be as ruinous to government as it was to the ſecurity of property, and tended to place the members of the commonwealth, by one raſh and precipitate ſtep, in ſituations in which they were not at all qualified to act. For theſe reaſons, as well as from motives of private intereſt affecting the majority of the nobles, the project of Tiberius was ſtrenuouſly oppoſed by the ſenate: and, from motives of envy, intereſt, or miſtaken zeal for juſtice, as warmly ſupported by the oppoſite party. Acting in concert with Appius Claudius, whoſe daughter he had married, a ſenator of the family of Craſſus, who was then at the head of the prieſthood, and Mutius Scævola the conſul, he exhauſted all his art, and diſplayed all his eloquence in declamation; but when he came to propoſe that the law ſhould be read, he found that his opponents had procured M. Octavius, one of his colleagues, to interpoſe his negative, and forbid any further proceeding in the buſineſs. *Here, according to the law and the conſtitution,*

tution, the matter ſhould have dropped: but inflamed and unbalanced parties are not to be reſtrained by laws and conſtitutions. The tribunes were inſtituted to defend their own party, not to attack their opponents; and to prevent, not to promote innovations. Every ſingle tribune had a negative on the whole.—The reſt of the ſtory I muſt leave.—The conſtitution thus violated, Gracchus next violated the ſacred character of his colleague the tribune. The ſenate were tranſported with indignation; violence enſued, and the two Gracchi fell. Afterwards Marius carried the popular pretenſions ſtill higher; and Sylla might, if he would, have been emperor. Cæſar followed, and completed the cataſtrophe.

This commonwealth, by the ſplendour of its actions, the extent of its empire, the wiſdom of its councils, the talents, integrity, and courage of a multitude of characters, exhibits the faireſt proſpect of our ſpecies, and is the moſt ſignal example, excepting England, of the wiſdom and utility of a mixture of the three powers in a commonwealth: on the other hand, the various viciſſitudes of its fortune, its perpetual domeſtic conteſts, and internal revolutions, are the cleareſt proofs of the evils ariſing from the want of complete independence in each branch, and from an ineffectual balance.

LETTER

LETTER LIII.

CONGRESS.

MY DEAR SIR,

BY the authorities and examples already recited, you will be convinced, that three branches of power have an unalterable foundation in nature; that they exiſt in every ſociety natural and artificial; and that if all of them are not acknowledged in any conſtitution of government, it will be found to be imperfect, unſtable, and ſoon enſlaved; that the legiſlative and executive authorities are naturally diſtinct; and that liberty and the laws depend entirely on a ſeparation of them in the frame of government; that the legiſlative power is naturally and neceſſarily ſovereign and ſupreme over the executive; and, therefore, that the latter muſt be made an eſſential branch of the former, even with a negative, or it will not be able to defend itſelf, but will be ſoon invaded, undermined, attacked, or in ſome way or other totally ruined and annihilated by the former. This is applicable to every ſtate in America, in its individual capacity; but is it equally applicable to the United States in their fœderal capacity?

The people of America, and their delegates in congreſs, were of opinion, that a ſingle aſſembly was every way adequate to the management of all their fœderal concerns; and with very good reaſon, becauſe congreſs is not a legiſlative aſſembly, nor a repreſentative aſſembly, but only a diplomatic

matic aſſembly. A ſingle council has been found to anſwer the purpoſe of confederacies very well. But in all ſuch caſes the deputies are reſponſible to the ſtates; their authority is clearly aſcertained; and the ſtates, in their ſeparate capacities, are the checks. Theſe are able to form an effectual balance, and at all times to controul their delegates. The ſecurity againſt the dangers of this kind of government will depend upon the accuracy and deciſion with which the governments of the ſeparate ſtates have their own orders arranged and balanced. The neceſſity we are under of ſubmitting to a fœderal government, is an additional and a very powerful argument for three branches, and a balance, by an equal negative, in all the ſeparate governments. Congreſs will always be compoſed of members from the natural and artificial ariſtocratical body in every ſtate, even in the northern, as well as in the middle and ſouthern ſtates. Their natural diſpoſitions then in general will be (whether they ſhall be ſenſible of it or not, and whatever integrity or abilities they may be poſſeſſed of) to diminiſh the prerogatives of the governors, and the privileges of the people, and to augment the influence of the ariſtocratical parties. There have been cauſes enough to prevent the appearance of this inclination hitherto; but a calm courſe of proſperity would very ſoon bring it forth, if effectual proviſion againſt it be not made in ſeaſon. It will be found abſolutely neceſſary, therefore, to give negatives to the governors, to defend the executives againſt the influence of this body, as well as the ſenates and repreſentatives in their ſeveral ſtates. The neceſſity of a negative in the houſe of repreſentatives will be called in queſtion by nobody.

Dr.

Dr. Price and the Abbé de Mably are zealous for additional power to congreſs.—Full power in all foreign affairs, and over foreign commerce, and perhaps ſome authority over the commerce of the ſtates with one another, may be neceſſary; and it is hard to ſay, that more authority in other things is not wanted: yet the ſubject is of ſuch extreme delicacy and difficulty, that the people are much to be applauded for their caution.—To collect together the ancient and modern leagues—the Amphyctionic, the Olynthian, the Argive, the Arcadian, and the Achæan confederacies, among the Greeks—the general diet of the Swiſs cantons, and the ſtates general of the United Netherlands, the union of the Hanſe towns, &c. which have been found to anſwer the purpoſes both of government and liberty; to compare them all with the circumſtances, the ſituation, the geography, the commerce, the population, and the forms of government, as well as the climate, the ſoil, and manners of the people, and conſider what further fœderal powers are wanted, and may be ſafely given, would be a uſeful work. If your public engagements allow you the time to undertake ſuch an inquiry, you will find it an agreeable amuſement.

LETTER

LETTER LIV.

LOCKE, MILTON, AND HUME.

MY DEAR SIR,

CHIMERICAL ſyſtems of legiſlation are neither new nor uncommon, even among men of the moſt reſplendent genius and extenſive learning. It would not be too bold to ſay, that ſome parts of Plato and Sir Thomas More are as wild as the ravings of Bedlam. A philoſopher may be perfect maſter of Deſcartes and Leibnitz, may purſue his own inquiries into metaphyſics to any length you pleaſe, may enter into the inmoſt receſſes of the human mind, and make the nobleſt diſcoveries for the benefit of his ſpecies; nay, he may defend the principles of liberty and the rights of mankind with great abilities and ſucceſs; and, after all, when called upon to produce a plan of legiſlation, he may aſtoniſh the world with a ſignal abſurdity. Mr. Locke, in 1663, was employed to trace out a plan of legiſlation for Carolina; and he gave the whole authority, executive and legiſlative, to the eight proprietors, the lords Berkley, Clarendon, Albemarle, Craven, and Aſhley; and Meſſieurs Carteret, Berkley, and Colleton, and their heirs. This new oligarchical ſovereignty created at once three orders of nobility: barons, with twelve thouſand acres of land; caciques, with twenty-four thouſand, &c.; and landgraves, with eighty thouſand. Who did this legiſlator think would live under his government? He

He ſhould have firſt created a few ſpecies of beings to govern, before he inſtituted ſuch a government.

A man may be a greater poet than Homer, and one of the moſt learned men in the world; he may ſpend his life in defence of liberty, and be at the ſame time one of the moſt irreproachable moral characters; and yet, when called upon to frame a conſtitution of government, he may demonſtrate to the world, that he has reflected very little on the ſubject. There is a great hazard in ſaying all this of John Milton; but truth, and the rights of mankind, demand it. In his "Ready and Eaſy Way to eſtabliſh a Free Commonwealth," this great author ſays, "I doubt not but all ingenuous and knowing men will eaſily agree with me, that a free commonwealth, without ſingle perſon, or houſe of lords, is by far the beſt government, if it can be had; for the ground and baſis of every juſt and free government is a general council of ableſt men, choſen by the people to conſult of public affairs, from time to time, for the common good. In this grand council muſt the ſovereignty, not tranſferred, but delegated only, and, as it were, depoſited, reſide; with this caution, they muſt have the forces by ſea and land committed to them for preſervation of the common peace and liberty; muſt raiſe and manage the public revenue, at leaſt with ſome inſpectors deputed for ſatisfaction of the people how it is employed; muſt make or propoſe civil laws, treat of commerce, peace, or war with foreign nations; and, for the carrying on ſome particular affairs with more ſecrecy and expedition, muſt elect, as they have already, out of their own number and others, a council of ſtate. And although it

"may

" may ſeem ſtrange at firſt hearing, by reaſon that
" men's minds are prepoſſeſſed with the notion of
" ſucceſſive parliaments, I affirm that the grand
" council, being well choſen, ſhould be perpetual;
" for ſo their buſineſs is, or may be, and often-
" times urgent; the opportunity of affairs gained
" or loſt in a moment. The day of council can-
" not be ſet as the day of a feſtival, but muſt be
" ready always to prevent or anſwer all occaſions.
" By this continuance they will become every
" way ſkilfulleſt, beſt provided of intelligence
" from abroad, beſt acquainted with the people
" at home, and the people with them. The ſhip
" of the commonwealth is always under ſail;
" they ſit at the ſtern, and if they ſteer well, what
" need is there to change them, it being rather
" dangerous? Add to this, that the grand coun-
" cil is both foundation and main pillar of the
" whole ſtate; and to move pillars and founda-
" tions not faulty, cannot be ſafe for the build-
" ing. I ſee not, therefore, how we can be ad-
" vantaged by ſucceſſive and tranſitory parlia-
" ments; but that they are much likelier conti-
" nually to unſettle, rather than to ſettle a free
" government; to breed commotions, changes,
" novelties, and uncertainties; to bring neglect
" upon preſent affairs and opportunities, while all
" minds are in ſuſpence with expectation of a new
" aſſembly, and the aſſembly, for a good ſpace,
" taken up with the new ſettling of itſelf, &c.
" But if the ambition of ſuch as think themſelves
" injured, that they alſo partake not of the go-
" vernment, and are impatient to be choſen, can-
" not brook the perpetuity of others choſen be-
" fore them; or if it be feared that long con-
" tinuance of power may corrupt ſincereſt men,

" the

" the known expedient is, that annually a third " part of ſenators go out," &c.

Can you read without ſhuddering, this wild reverie of the divine immortal Milton? If no better ſyſtems of government had been propoſed, it would have been no wonder that the people of England recalled the royal family, with all their errors, follies, and crimes about them. Had Milton's ſcheme been adopted, this country would have either been a ſcene of revolutions, carnage, and horror, from that time to this, or the liberties of England would have been at this hour the liberties of Poland, or the iſland would have been a province of France. What! a ſingle aſſembly to govern England? an aſſembly of ſenators for life too? What! did Milton's ideas of liberty and free government extend no further than exchanging one houſe of lords for another, and making it ſupreme and perpetual! What! Cromwell, Ireton, Lambert, Ludlow, Waller, and five hundred others of all ſects and parties, one quarter of them mad with enthuſiaſm, another with ambition, a third with avarice, and a fourth of them honeſt men, a perpetual council, to govern ſuch a country! It would have been an oligarchy of decemvirs, on the firſt day of its ſitting; it would have inſtantly been torn with all the agitations of Venice, between the ariſtocracy and oligarchy, in the aſſembly itſelf. If, by ballots and rotations, and a thouſand other contrivances, it could have been combined together, it would have ſtripped the people of England of every ſhadow of liberty, and grown in the next generation a lazy, haughty, oſtentatious group of palatines: but if they had fallen into diviſions, they would have deluged the nation in blood,

till

till one deſpot would have ruled the whole. John Milton was as honeſt a man as this nation ever bred, and as great a friend of liberty; but his greatneſs moſt certainly did not conſiſt in the knowledge of the nature of man and of government, if we are to judge from this performance, or from "The preſent Means and brief Delineation of a free Commonwealth," in his letter to General Monk.—Americans in this age are too enlightened to be bubbled out of their liberties, even by ſuch mighty names as Locke, Milton, Turgot, or Hume; they know that popular elections of one eſſential branch of the legiſlature, frequently repeated, are the only poſſible method of forming a free conſtitution, or of preſerving the government of laws from the domination of men, or of preſerving their lives, liberties, or properties in ſecurity; they know, though Locke and Milton did not, that when popular elections are given up, liberty and free government muſt be given up. Upon this principle, they cannot approve the plan of Mr. Hume, in his "Idea of a perfect Commonwealth."—"Let all the freeholders of twenty "pounds a year in the county, and all the houſe-"holders worth five hundred pounds in the town "pariſhes, meet annually in the pariſh church, "and chooſe, by ballot, ſome freeholder of the "county for their member, whom we ſhall call "the county-repreſentative. Let the hundred "county-repreſentatives, two days after their "election, meet in the county-town, and chooſe "by ballot, from their own body, ten county-"magiſtrates and one ſenator. There are, there-"fore, in the whole commonwealth, one hun-"dred ſenators, eleven hundred county-magiſ-"trates, and ten thouſand county-repreſentatives; "for we ſhall beſtow on all ſenators the autho-

" rity of county-magiſtrates, and on all county-
" magiſtrates the authority of county-repreſenta-
" tives. Let the ſenators meet in the capital,
" and be endowed with the whole executive
" power of the commonwealth; the power of
" peace and war; of giving orders to generals,
" admirals, and ambaſſadors, and in ſhort, all
" the prerogatives of a Britiſh king, except his
" negative. Let the county-repreſentatives meet
" in their particular counties, and poſſeſs the
" whole legiſlative power of the commonwealth;
" the greater number of counties deciding the
" queſtion; and where theſe are equal, let the
" ſenate have the caſting vote. Every new law
" muſt firſt be debated in the ſenate; and, though
" rejected by it, if ten ſenators inſiſt and proteſt,
" it muſt be ſent down to the counties: the ſe-
" nate, if they pleaſe, may join to the copy of
" the law their reaſons for receiving or rejecting
" it." &c.—The ſenate, by the ballot of Venice or Malta, are to chooſe a protector, who repreſents the dignity of the commonwealth, and preſides in the ſenate; two ſecretaries of ſtate, and a council of ſtate, a council of religion and learning, a council of trade, a council of laws, a council of war, a council of the admiralty—each of five perſons, all ſenators; and ſeven commiſſioners of the treaſury.

If you compare this plan, as well as thoſe of Locke and Milton, with the principles and examples in the foregoing letters, you will ſoon form a judgement of them; it is not my deſign to enlarge upon them. That of Hume is a complicated ariſtocracy, and would ſoon behave like all other ariſtocracies. It is enough to ſay, that the repreſentatives of the people may, by the ſenators, be deprived of a voice in the legiſlature; becauſe the ſenate

ſenate have their choice of ſending the laws down, either to the county-magiſtrates or county-repreſentatives. It is an ingenious device, to be ſure, to get rid of the people and their repreſentatives; beſides that the delays and confuſions would be endleſs, in ſending the laws to be debated in as many ſeparate commonwealths as there are counties. But the two deciſive objections are, 1. Letting the nobility or ſenate into the management of the executive power; and, 2. Taking the eyes of the people off from their repreſentatives in their legiſlature. The liberty of the people depends entirely on the conſtant and direct communication between them and the legiſlature, by means of their repreſentatives.

The improvements to be made in the Engliſh conſtitution lie entirely in the houſe of commons. If county-members were aboliſhed, and repreſentatives proportionally and frequently choſen in ſmall diſtricts, and if no candidate could be choſen but an eſtabliſhed long-ſettled inhabitant of that diſtrict, it would be impoſſible to corrupt the people of England, and the houſe of commons might be an immortal guardian of the national liberty. Inſtead of projects to aboliſh kings and lords, if the houſe of commons had been attended to, wild wars would not have been engaged in, nor countleſs millions thrown away, nor would there have remained an imperfection, perhaps, in the Engliſh conſtitution. Let the people take care of the balance, and eſpecially their part of it: but the preſervation of their peculiar part of it will depend ſtill upon the exiſtence and independence of the other two; the inſtant the other branches are deſtroyed, their own branch, their own deputies, become their tyrants.

LETTER LV.

CONCLUSION.

Groſvenor-ſquare, Dec. 21, 1786.

MY DEAR SIR,

ACCORDING to M. Turgot's idea of a perfect commonwealth, a ſingle aſſembly is to be poſſeſſed of all authority, legiſlative, executive, and judicial. It will be a proper concluſion of all our ſpeculations upon this, the moſt intereſting ſubject which can employ the thoughts of men, to conſider in what manner ſuch an aſſembly will conduct its deliberations, and exert its power. The executive power is properly the government; the laws are a dead letter until an adminiſtration begins to carry them into execution. Let us begin then with this. If there is an army to raiſe, this ſingle aſſembly is to appoint all its officers. The man of the moſt ample fortune, the moſt honourable deſcent, the greateſt abilities, eſpecially if there is any one among them who has had experience, rendered important ſervices, and acquired fame in war, will be choſen general. This event is a great point gained by the ariſtocracy; and a great advance towards the ſections of one, in caſe of convulſions and confuſions, for monarchy. The general has vaſt influence, of courſe, with the whole nation,

nation, and eſpecially with the officers of his army; whoſe articles of war, and whoſe habits, both of obedience and command, eſtabliſh a ſyſtem of ſubordination of which he is the center, and produce an attachment that never wears out. The general, even without being ſenſible of it, will naturally fall in with the views of the ariſtocratical body, in promoting men of family, property, and abilities; and, indeed, in general, it will be his duty to do this, as ſuch are undoubtedly, in general, the fitteſt for the ſervice: his whole corps of officers will grow habitually to reſpect ſuch only, or at leaſt chiefly; and it muſt be added, becauſe experience proves it, and the truth requires it to be mentioned, to entertain ſome degree of contempt for the reſt of the people, as "rank and file." The general's recommendation will have great weight in the aſſembly, and will, in time, be given chiefly, if not wholly, to men who are either of the ariſtocratical body themſelves, or at leaſt recommended by ſuch as are ſo. All the other officers of the army are to be appointed by this aſſembly; and we muſt ſuppoſe, that all the general officers and field officers will be of patrician families, becauſe each candidate will be unknown to nine-tenths of the aſſembly. He comes from a part of the ſtate which a vaſt majority of the members of the aſſembly do not particularly repreſent, and are unacquainted with; they muſt, therefore, take his character upon truſt from his patron in the houſe, ſome member who is his neighbour, and who, perhaps, owes his election to him or his particular friends.—Here is an endleſs ſource of debate and delay. When there are two or more candidates for a commiſſion, and there will ge-

nerally be ſeveral, how ſhall an aſſembly of five hundred or one hundred men, collected from all the moſt diſtant parts of a large ſtate, become informed of the merits and pretenſions of each candidate? It can only be done in public or in private. If in public, it expoſes the characters of the candidates to a public diſcuſſion, which few men can bear; it conſumes time without end; and it will frequently happen, that the time of the whole aſſembly ſhall be waſted, and all the public affairs delayed, for days and weeks, in deliberating and debating, affirming and denying, contradicting and proving, in the appointment of a ſingle officer; and, after all, he who has friends of the moſt influence in the houſe, who will be generally of the ariſtocratical complection, will be preferred. It is moderate to ſay, that the loſs of time and delay of buſineſs will be a greater burthen to the ſtate than the whole ſupport of a governor and council. If there is a navy, the ſame proceſs muſt be gone through reſpecting admirals, captains, and all other officers. All the officers of revenue, police, juſtice, muſt be appointed in the ſame way. Ambaſſadors, conſuls, agents to foreign countries, muſt be appointed too by vote of aſſembly.—This branch of buſineſs alone would fill up the whole year, and be more than could be done. An aſſembly muſt be informed before it can act. The underſtanding and conſcience of every member ſhould be clearly ſatisfied before he can vote. Information is to be had only by debate, and examination of evidence. Any man may ſee that this muſt be attended with difficulty; but no man, who has not ſeen the inſide of ſuch an aſſembly, can conceive the confuſion, uncertainty, and procraſti-

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nation of ſuch proceedings. The American provincial congreſſes had experience enough of this; and gentlemen were more convinced, by what they there ſaw, heard, and felt, of the neceſſity of three branches, than they would have been by reaſoning or reading; it was generally agreed, that the appointment of officers by lot would have been a more rational method.—But this is not all: the army, the navy, revenue, exciſe, cuſtoms, police, juſtice, and all foreign miniſters, muſt be gentlemen, that is to ſay, friends and connections of the rich, well-born and well-educated members of the houſe; or, if they are not, the community will be filled with ſlander, ſuſpicion, and ridicule againſt them, as ill-bred, ignorant, and in all reſpects unqualified for their truſts; and the plebeians themſelves will be as ready as any to join in the cry, and run down their characters. In the ſecond place, there never was yet a people who muſt not have ſomebody or ſomething to repreſent the dignity of the ſtate, the majeſty of the people, call it what you will—a doge, an avoyer, an archon, a preſident, a conſul, a ſyndic; this becomes at once an object of ambition and diſpute, and, in time, of diviſion, faction, ſedition, and rebellion.—The next inquiry is, concerning the adminiſtration of juſtice. Shall every criminal be brought before this aſſembly and tried? ſhall he be there accuſed before five hundred men? witneſſes introduced, counſel heard? This again would take up more than the whole year; and no man, after all, would conſider his life, liberty, or property, ſafe in ſuch a tribunal. Theſe all depend upon the diſquiſitions of the counſel, the knowledge of the law in the judges, the confrontation of parties

and witneſſes, the forms of proceedings, by which the facts and the law are fairly ſtated before the jury for their deciſion, the rules of evidence, by which the attention of the jury is confined to proper points, and the artifices of parties and counſel avoided. An aſſembly of five hundred men are totally incapable of this order, as well as knowledge; for, as the vote of the majority muſt determine, every member muſt be capable, or all is uncertain: beſides, it is the unanimity of the jury that preſerves the rights of mankind--muſt the whole five hundred be unanimous? —Will it be ſaid that the aſſembly ſhall appoint committees to try cauſes? But who are to make theſe appointments? Will not a few haughty palatines in the aſſembly have influence enough to determine the election in favour of their friends? and will not this make the judges the tools of a party? If the leaders are divided into parties, will not one prevail at one year, and another the next? and will not this introduce the moſt wretched of ſervitudes, an uncertain juriſprudence? Will it be ſaid that the aſſembly ſhall appoint committees for the nomination of officers? The ſame intrigues, and greater ſtruggles, would be introduced for the place of a committee-man; and there would be frequent appeals from thoſe committees to the body that appointed them. Shall the aſſembly appoint a governor or preſident, and give him all the executive power? Why ſhould not the people at large appoint him? Giving this power to the aſſembly will open a wider door to intrigue for the place; and the ariſtocratical families will be ſure, nine times in ten, to carry their choice in this way; and, what is much worſe, the firſt magiſtrate

giſtrate will be conſidered as dependent on every obſcure member of the houſe, but in reality he will be dependent only on a dozen or a ſcore, perhaps on two or three, of the whole. He will be liable to daily motions, debates, and votes of cenſure. Inſtead of thinking of his duty to the people at large, he will confine his attention chiefly to the aſſembly, and believe, that if he can ſatisfy them, or a majority of them, he has done his duty. After all, any of theſe devices are only changing words; they are, in reality, erecting different orders of men, and aiming at balances, as much as the ſyſtem which ſo much diſpleaſes M. Turgot; they are introducing, in effect, all the inequalities and diſputes that he ſo greatly apprehends, without any of that ſecurity to the laws which ought to be the principal object; they render the executive power, which is in truth the government, the inſtrument of a few grandees. If theſe are capable of a combination with each other, they will ſeldom diſagree in their opinion, which is the richeſt man, and of the firſt family; and, as theſe will be all their inquiries, they will generally carry their election: if they are divided, in conſtant wrangles with each other, and perpetual attacks upon the preſident about the diſcharge of his functions, they will keep the nation anxious and irritated with controverſies which can never be decided nor ended. If they agree, and the plebeians ſtill carry the vote againſt them, the choice will nevertheleſs probably fall upon one of their number, who will be diſpoſed to favour them too much; but if it falls upon a plebeian, there commences at once a ſeries of conteſts between the rich and the poor, which will never end but in the ruin of the popular power

and

and the national liberty—or, at leaſt, in a revolution and a new conſtitution. As the executive power, the eſſence of government, is ever odious to popular envy and jealouſy, it will ever be in the power of a few illuſtrious and wealthy citizens to excite clamours and uneaſineſs, if not commotions and ſeditions, againſt it. Although it is the natural friend of the people, and the only defence which they or their repreſentatives can have againſt the avarice and ambition of the rich and diſtinguiſhed citizens, yet ſuch is their thoughtleſs ſimplicity, they are ever ready to believe that the evils they feel are brought upon them by the executive power. How eaſy is it then for a few artful men, among the ariſtocratical body, to make a preſident, thus appointed and ſupported, unpopular, though he conducts himſelf with all the integrity and ability which his office requires?

But we have not yet conſidered how the legiſlative power is to be exerciſed in this ſingle aſſembly?—Is there to be a conſtitution? Who are to compoſe it? The aſſembly itſelf, or a convention called for that purpoſe? In either caſe, whatever rules are agreed on for the preſervation of the lives, liberties, properties, and characters of the citizens, what is to hinder this aſſembly from tranſgreſſing the bounds which they have preſcribed to themſelves, or which the convention has ordained for them? The convention has publiſhed its code, and is no more. Shall a new convention be called to determine every queſtion which ariſes concerning a violation of the conſtitution? This would require that the convention ſhould ſit whenever the aſſembly ſits, and conſider and determine every queſtion which is agitated in it. This is the very thing we contend

tend for, viz. that there may be two aſſemblies; one to divide, and the other to chooſe. Grant me this, and I am ſatisfied, provided you will confine both the convention and aſſembly to legiſlation, and give the whole executive power to another body. I had almoſt ventured to propoſe a third aſſembly for the executive power; but the unity, the ſecrecy, the diſpatch of one man, has no equal; and the executive power ſhould be watched by all men; the attention of the whole nation ſhould be fixed upon one point, and the blame and cenſure, as well as the impeachments and vengeance for abuſes of this power, ſhould be directed ſolely to the miniſters of one man.—But to purſue our ſingle aſſembly. The firſt year, or the firſt ſeven years, they may be moderate; eſpecially in dangerous times, and while an exiled royal family, or exiled patricians or nobles, are living, and may return; or while the people's paſſions are alive, and their attention awake, from the freſh remembrance of danger and diſtreſs: but when theſe tranſitory cauſes paſs away, as there is an affection and confidence between the people and their repreſentatives, ſuppoſe the latter begin to make diſtinctions, by making exceptions of themſelves in the laws?—They may frank letters; they are exempted from arreſts; they can privilege ſervants—one little diſtinction after another, in time makes up a large ſum. Some few of the people will complain; but the majority, loving their repreſentatives, will acquieſce. Preſently they are exempted from taxes. Then their duration is too ſhort; from annual they become biennial, triennial, ſeptennial, for life; and, at length, inſtead of applying to conſtituents to fill up vacancies, the

the aſſembly takes it upon itſelf, or gives it to their preſident. In the mean time, wars are conducted by heroes to triumph and conqueſt, negotiations are carried on with ſucceſs, commerce flouriſhes, the nation is proſperous;—the citizens are flattered, vain, proud of their felicity, envied by others: it would be the baſeſt, the moſt odious ingratitude, at leaſt, it would be ſo repreſented, to find fault with their rulers. In a word, as long as half a ſcore of capital characters agree, they will gradually form the houſe and the nation into a ſyſtem of ſubordination and dependence to themſelves, and govern all at their diſcretion—a ſimple ariſtocracy or oligarchy in effect, though a ſimple democracy in name: but, as every one of theſe is emulous of others, and more than one of them is conſtantly tormented with a deſire to be the firſt, they will ſoon diſagree; and then the houſe and the nation gradually divides itſelf into four parties, one of which, at leaſt, will wiſh for monarchy, another for ariſtocracy, a third for democracy, and a fourth for various mixtures of them; and theſe parties can never come to a deciſion but by a ſtruggle, or by the ſword. There is no remedy for this, but in a convention of deputies from all parts of the ſtate: but an equal convention can hardly be obtained, except in times like thoſe we have lately ſeen, when the danger could only be warded off by the aid and exertions of the whole body of the people: when no ſuch danger from without ſhall preſs, thoſe who are proud of their wealth, blood, or wit, will never give way to fair and equal eſtabliſhments. All parties will be afraid of calling a convention; but if it muſt be agreed to, the

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ariſtocratical party will puſh their influence, and obtain elections even into the conventions for themſelves and their friends, ſo as to carry points there, which, perhaps, they could not have carried in the aſſembly.

But ſhall the people at large elect a governor and council annually to manage the executive power, and a ſingle aſſembly to have the whole legiſlative? In this caſe, the executive power, inſtead of being independent, will be the inſtrument of a few leading members of the houſe; becauſe the executive power being an object of jealouſy and envy to the people, and the legiſlative an object of their confidence and affection, the latter will always be able to render the former unpopular, and undermine its influence.—— But if the people for a time ſupport an executive diſagreeable to the leaders in the legiſlative, the conſtitution will be diſregarded, and the nation will be divided between the two bodies, and each muſt at laſt have an army to decide the queſtion. A conſtitution conſiſting of an executive in one ſingle aſſembly, and a legiſlative in another, is already compoſed of two armies in battle array; and nothing is wanting but the word of command to begin the combat.

In the preſent ſtate of ſociety and manners in America, with a people living chiefly by agriculture, in ſmall numbers, ſprinkled over large tracts of land, they are not ſubject to thoſe panics and tranſports, thoſe contagions of madneſs and folly, which are ſeen in countries where large numbers live in ſmall places, in daily fear of periſhing for want: we know, therefore, that the people can live and increaſe under almoſt any kind of government, or without any government at

at all. But it is of great importance to begin well; miſ-arrangements now made, will have great, extenſive, and diſtant conſequences; and we are now employed, how little ſoever we may think of it, in making eſtabliſhments which will affect the happineſs of an hundred millions of inhabitants at a time, in a period not very diſtant. All nations, under all governments, muſt have parties; the great ſecret is to controul them: there are but two ways, either by a monarchy and ſtanding army, or by a balance in the conſtitution. Where the people have a voice, and there is no balance, there will be everlaſting fluctuations, revolutions, and horrors, until a ſtanding army, with a general at its head, commands the peace, or the neceſſity of an equilibrium is made appear to all, and is adopted by all.

I am,
My dear Sir,
With much eſteem and affection,
Yours,
JOHN ADAMS.

William Stephens Smith, Eſq.

POSTSCRIPT.

POSTSCRIPT.

THE foreign gazettes and journals have announced to the world that the Abbé De Mably was applied to by the United States of America for his advice and assistance in the formation of a code of laws. It is unnecessary to say any thing to this, only that it is a part of a million volumes of lies, according to the best computation, which are to be imposed upon posterity, relative to American affairs. The Abbé himself, in his observations, has said that I desired his sentiments. This is true; but the manner of the request ought to be known, that those who think it of any consequence may understand in what sense it is true. Upon my arrival in Paris, in October 1782, upon the business of the peace, the Abbé De Mably's book, upon the manner of writing history, was put into my hands. At the conclusion of that publication he declared his intention of writing on the American revolution. Meeting the Abbé soon afterwards, at dinner at Monsieur De Chalut's, the farmer general, my friends the Abbés De Chalut and Arnowe, who were of the party, informed me that their friend was about writing the history of the American revolution, and would be obliged to me for any facts or memorials that might be in my power. The question was asked, What part of the revolution he intended to write? The whole.—Where had he obtained the materials? It was supposed they might be obtained from the public papers, and inquiry of individuals.—In answer to this a few difficulties were started, and the conversation spun into length. At last the gentlemen asked to have, in writing, what had been then said upon the subject, as, the conversation being in French, it might not have been fully comprehended. Accordingly, in a few days,

days, I wrote the Abbé a letter, the tranſlation of which, by a friend, into French, is here incloſed; the original, in Engliſh, not being in my poſſeſſion. By this you will ſee, that the requeſt to the Abbé to write upon American affairs was a mere civility, and rather a deſire that he would not expoſe himſelf, by attempting an hiſtory that he was altogether unprovided for, than any formal requeſt that he ſhould write at all.—We ought to be obliged to any gentleman in Europe who will favour us with his thoughts: but, in general, the theory of government is as well underſtood in America as it is in Europe; and by great numbers of individuals is every thing, relating to a free conſtitution, infinitely better comprehended than by the Abbé De Mably or M. Turgot, amiable, learned, and ingenious, as they are.

A Monſieur l'Abbé de Mably.

" C'eſt avec plaiſir que j'ai appris votre deſſein " d'écrire ſur la *Révolution Américaine*, parce que " vos autres écrits, qui ſont beaucoup admirés " des Américains, contiennent des principes de " Légiſlation, de Politique, & de Negociation qui " ſont parfaitement analogues aux leurs; de ſorte " que vous ne pourrez guerre écrire ſur ce ſujet " ſans produire un ouvrage qui ſervira à l'inſtruc- " tion du public, & ſurtout à celle de mes Conci- " toyens. Mais j'eſpere que vous ne m'accuſe- " rez pas de préſomption d'affectation ou de ſin- " gularité, ſi je hazarde de vous dire que je ſuis " d'opinion qu'il eſt encore trop-tôt pour entre- " prendre une Hiſtoire complette de ce grand " événement, & qu'il n'y a perſonne ni en Europe " ni en Amérique, qui, juſqu'à préſent, ſoit en " état de la faire & qui ait les matériaux requis " ou néceſſaires pour cela."

" Pour entreprendre un tel ouvrage, un Ecri- " vain

" vain devrait diviſer l'Hiſtoire de l'Amérique en
" pluſieurs périodes."

" 1°. Depuis le premier établiſſement des Co-
" lonies en 1600, juſqu'au commencement de
" leurs brouilleries avec la Grande Bretagne in
" 1761.

" 2°. Depuis ce commencement (occaſionné
" par un ordre du Bureau de Commerce & des
" Plantations dans la Grande-Bretagne, donné aux
" officiers de la Douane en Amérique, de faire
" exécuter d'une maniere plus rigoureuſe les
" actes du Commerce, & d'avoir recours aux
" cours de la juſtice pour avoir des décrets d'aſ-
" ſiſtance à cette fin) juſqu'au commencement
" des hoſtilités, le 19 d'Avril 1775. Pendant
" cette période de 14 ans il n'y eut qu'une guerre
" de plume.

" 3°. Depuis la Bataille de Lexington juſqu'à
" la ſignature du Traité avec la France, le 6 Fé-
" vrier 1778. Durant cette période de 3 ans, la
" guerre ſe fit uniquement entre la Grande-Bre-
" tagne & les Etats-Unis.

" 4°. Depuis le Traité avec la France juſqu'-
" aux hoſtilités entre la Grande-Bretagne & la
" France premierement; puis avec l'Eſpagne,
" enſuite juſqu'au développement de la Neutra-
" lité armée, & à la guerre contre la Hollande.
" Enfin, toutes ces ſçenes trouvent leur dénou-
" ment dans les Négociations de la Paix.

" Sans une connaiſſance diſtincte de l'Hiſtoire
" des Colonies dans la premiere période, un Ecri-
" vain ſe trouvera toujours embarraſſé, depuis le
" commencement de ſon ouvrage juſqu'à la fin,
" pour rendre compte des évenements & des ca-
" racteres qui ſe preſenteront à décrire à chaque
" pas, à meſure qu'il avance vers la ſeconde, la
" troiſieme, & la quatrieme périodes. Pour ac-
" quérir une connaiſſance ſuffiſante de la premiere

" période, il faudrait lire toutes les Chartes accor-
" dées *aux Colonies*, & les *Commmiſſions*, *& Inſtruc-*
" *tions données aux Gouverneurs*, tous les *Codes de*
" *Loi des différentes Colonies* (& Treize Volumes
" in Folio de Statuts ſecs & rebutans qui ne ſe
" liſent guere avec plaiſir ni en peu de tems) *tous*
" *les Regiſtres de la Légiſlature des différentes Colo-*
" *nies* ; que l'on ne trouvera qu'en manuſcrit &
" en voyageant en perſonne, depuis New-Hamp-
" ſhire juſqu'à la Georgie ; *les Regiſtres* des *Bu-*
" *reaux de Commerce* & des *Plantations dans la*
" *Grand-Bretagne* depuis leur inſtitution juſqu'à
" leur. diſſolution, comme auſſi *les Papiers des*
" *Bureaux de quelques-unes des Secrétaireries* d'Etat.

" Il y a une autre branche de lecture, dont l'on
" ne ſaurait ſe diſpenſer, quand l'on pourrait ſe
" paſſer des autres. Je parle de ces écrits qui
" ont paru en Amérique de tems à autre, je ne
" pretends cependant pas, dans la place où je ſuis,
" éloigné de tous les livres & écrits, en faire une
" exacte énumération—*Les Ecrits des anciens Gou-*
" *verneurs Winthrop & Winſlow, du Dr. Mather,*
" *Mr. Prince ; Neals Hiſtoire de la Nouvelle Angle-*
" *terre ; Douglas Sommaire ſur les premieres Planta-*
" *tions ; l'amélioration progreſſive des terres & l'état*
" *préſent des Colonies Britanniques ; Hutchinſon Hiſ-*
" *toire de Maſſachuſſetts-Bay ; Smith Hiſtoire de*
" *New-York ; Smith Hiſtoire de New-Jerſey ;* les
" Ouvrages de *William Penn ; Dummers Défenſe*
" *des Chartes de la Nouvelle-Angleterre ; l'Hiſtoire*
" *de Virginie*, & pluſieurs autres. Tout cela était
" antérieur à la diſpute préſente, qui commença
" en 1761.

" Durant la ſeconde période, les écrits ſont plus
" nombreux, & plus difficiles à ſe procurer ; il
" fut alors donné au public des Ouvrages de
" grande importance : dans les débats entre ceux
" qui furent acteurs dans cette ſcene en qualité

" d'Ecri-

" d'Ecrivains, il en eſt qui méritent d'être diſ-
" tingués. On compte parmi eux les Gouver-
" neurs du Roi *Pownal*, *Bernard*, & *Hutchinſon*;
" le Lieutenant Gouverneur *Oliver*; *Mr. Sewal*,
" Juge d'Amirauté pour Halifax; *Jonathan May-*
" *hew*, *D. D. James Otis*; *Oxenbridge Thatcher*;
" *Samuel Adams*; *Joſiah Quiniy*; *Joſeph Warren*;
" & peut-être les ſuivants n'ont pas été moins
" importants qu'aucun des autres, ſavoir les écrits
" de Mr. *Dickinſon*, de Mr. *Wilſon* & du *Dr.*
" *Ruſh* de Philadelphie; de Mr. *Livingſton* & de
" Mr. *Dougal* de New-York; du *Colonel Bland*
" & d'*Arthur Lee de Virginie*, & de pluſiers au-
" tres. Les *Regiſtres de la Ville de Boſton* & par-
" ticulierement *d'un Comité de Correſpondance*; du
" *Bureau des Commiſſions de la Douane*; de la *Cham-*
" *bre des Répreſentans* & du *Bureau du Conſeil de*
" *Maſſachuſetts-Bay*; en outre les *Gazettes de la*
" *Ville de Boſton* dans les derniers tems, pour ne
" pas dire celles de *New-York & de Philadelphie*,
" doivent être ramaſſées & examinées depuis l'an
" 1760. Tout cela eſt néceſſaire pour écrire
" avec préciſion & en detail l'Hiſtoire des débats
" avant que les hoſtilitiés euſſent commencé, com-
" pris la période de l'année 1761 juſquau 19
" Avril 1775.

" Durant les troiſieme & quatrieme périodes
" les Regiſtres, Pamphlets & Gazettes des Treize-
" Etats doivent être recueillis, ainſi que *les Jour-*
" *naux du Congrès*, (dont cependant une partie eſt
" encore ſecrete) & la *Collection des Nouvelles Con-*
" *ſtitutions des divers Eſtats*, le *Remembrancer* & le
" *Regiſtre Annuel*, papiers périodiques publiés en
" Angleterre. Les *Affaires de l'Angleterre & de*
" *l'Amérique*, & le *Mercure de France*, publié à
" Paris, & le *Politique Hollandais* imprimé à Am-
" ſterdam, toute la ſuite de la *Correſpondance du*
" *Général Waſhington* avec le Congrès depuis le

" mois de Juillet 1775 juſqu'à ce jour, qui n'a
" pas encore été publié, & qui ne le ſera pas non
" plus juſqu'à ce que le Congrès l'ait ordonné
" ou permis ; & permettez-moi de vous dire qu'à
" moins que cette vaſte ſource ſoit ouverte, il ne
" ſera guere poſſible à perſonne d'entreprendre
" une Hiſtoire de la Guerre Américaine : Il eſt
" encore d'autres *écrits* d'importance *dans les Bu-*
" *reaux du Comité Sécrét*, dans le *Comité du Com-*
" *merce*, dans le *Comité des Affaires étrangeres*, dans
" le *Comité de la Tréſorerie*, dans le *Comité de la Ma-*
" *rine*, dans le *Bureau de la Guerre* autant (qu'il
" ſubſiſte) & du Département de la Guerre, de
" la Marine, des Finances & des Affaires étran-
" geres, depuis leur inſtitution. Il y a auſſi
" des *Lettres des Miniſtres Américains en France,*
" *Eſpagne, Hollande*, & d'autres parties de l'Eu-
" rope.

" La plupart des documents & matériaux étant
" encore ſecrets, c'eſt une démarche prématurée
" que d'entreprendre une Hiſtoire générale de la
" Révolution Américaine ; mais l'on ne ſaurait
" mettre trop d'activité & de ſoins à faire la col-
" lection des matériaux. Il exiſte cependant, à
" la vérité déjà deux ou trois Hiſtoire générales
" de la Guerre & Révolution Américaine, pu-
" bliées à Londres, & deux ou trois autres pu-
" bliées à Paris ; celles en langue Anglaiſe ne ſont
" que des matériaux informes & confus ſans diſ-
" cernement, & toutes ces Hiſtoires ſoit en An-
" glais ſoit en Français, ne ſont autre choſe que
" des monuments de l'ignorance complette de
" leurs auteurs ſur ce ſujet.

" Il faudrait la vie entiere & la plus longue, à
" commencer des l'age de 20 ans, pour aſſembler
" de toutes les Nations & de toutes les parties
" du monde, dans leſquels ils ſont dépoſés, les
" documents propres à former une Hiſtoire com-
" plette

" plette de la Guerre Américaine ; parce que c'eſt
" proprement l'Hiſtoire du Genre-humain dans
" toute cette époque. Il faut y réunir l'Hiſtoire
" de France, d'Eſpagne, de Hollande, d'Angle-
" terre, & des Puiſſances neutres, auſſi bien que
" de l'Amérique. Les matériaux en devraient
" être aſſemblés de toutes ces Nations, & les do-
" cuments les plus importans des tous, auſſi bien
" que les caracteres des Acteurs & les reſſorts ſe-
" crets des Actions, ſont encore recélés dans les
" Cabinets & en chiffres.

" Soit que vous, Monſieur, enterpreniez de
" donnez un hiſtoire générale, ou ſimplement des
" remarques & obſervations, ſemblables à celles
" que vous avez données ſur les *Grecs & les Ro-*
" *mains* ; vous produirez un Ouvrage extrême-
" ment intéreſſant & inſtructif, pour la Morale,
" la Politique, la Legiſlation, & je me ferais un
" honneur & un plaiſir de vous fournir tous les
" petits ſecours qui ſeront en mon pouvoir pour
" la facilité de vos recherches. Il m'eſt impoſſi-
" ble de vous dire ſi le Gouvernement de ce pays
" ſouhaiterait de voir quelque ouvrage profondé-
" ment écrit, & par un Auteur d'une grande cé-
" lébrité, en langue Françaiſe. Il eſt queſtion
" d'expoſer des principes de gouvernement, ſi
" differens de ce qu'on trouve en Europe, ſur
" tout en France, qu'on ne verrait peut-être pas
" une entrepriſe pareil d'un œil indifférent :
" c'eſt cependant une choſe dont je ne me crois
" pas le juge compétent.

" Permettez, Monſieur, que je finiſſe cette Let-
" tre en vous donnant une clef pour toute cette
" Hiſtoire. Il y a une analogie générale dans les
" Gouvernements & les Caracteres de tous les
" Treize Etats ; mais ce ne fut que lorſque les
" débats & la guerre commencerent en Maſſa-
" chuſſetts-Bay, la principale Province de la

" Nouvelle

" Nouvelle-Angleterre, que les inſtitutions pri-
" mitives firent le premier effet. Quatre de ces
" inſtitutions devraient être bien étudiées & am-
" plement examinées par quiconque voudrait
" écrire avec connaiſſance de cauſe de ce ſujet ;
" car elles ont produit un effet déciſif, non-ſeule-
" ment dans les premieres déterminations des dé-
" bats, dans les Conſeils publics, & les premieres
" reſolutions de réſiſter par les armes, mais auſſi
" par l'influence qu'elles eurent ſur les eſprits
" des autres Colonies en leur donnant l'exemple,
" d'adopter plus ou moins les mêmes inſtitutions
" & des meſures ſemblables.

Les quatres inſtitutions mentionnées ſont,

1. Les Villes ou Diſtricts.
2. Les Egliſes.
3. Les Ecoles.
4. La Milice.

1. " Les Villes ſont de certaines étendues de
" pays, ou diſtricts de territoire, dans leſquels
" étant diviſés le Maſſachuſetts-Bay, le Connec-
" ticut, le New-Hampſhire & le Rhode-Iſland.
" Chaque Ville contient l'une dans l'autre ſix
" milles ou deux lieues quarrées. Les habitans
" qui vivent dans ces limites doivent former, en
" vertu de la loi, des corporations ou corps po-
" litiques, & ſont inveſtis de certains pouvoirs
" & privileges : comme par exemple, de réparer
" les grands chemins, d'entretenir les pauvres, de
" choiſir les élus, les conſtables, les collecteurs
" des Taxes & d'autres officiers, & ſurtout leurs
" Repreſentans dans la Légiſlature ; comme auſſi
" du droit de s'aſſembler toutes les fois qu'ils
" ſont avertis par leurs elus, dans les aſſemblées
" de Villes, afin de délibérer ſur les affaires pu-
" bliques de la Ville, ou de donner des inſtructions
" à leurs Repréſentans. Les conſéquences de

" cette

" cette inſtitution ont été, que tous les habitants
" ayant acquis dès leur enfance une habitude de
" diſcuter, de délibérer, & de juger des affaires
" publiques, ç'a été dans cette étendue de Villes
" ou diſtricts, que les ſentiments du Peuple ſe
" ſont formés premierement, & que leurs réſolu-
" tions ont été priſes, depuis le commencement
" juſqu'à la fin des débats & de la guerre.

2. " Les Egliſes ſont des Sociétés Religieuſes,
" qui comprennant le Peuple entier. Chaque
" diſtrict contient une Paroiſſe & une Egliſe. La
" plupart n'en ont qu'une, & quelques-uns en ont
" pluſieurs. Chaque Paroiſſe a une maiſon d'aſ-
" ſemblée, & un Miniſtre entretenu à ſes propres
" dépens. Les Conſtitutions des Egliſes ſont
" extrêmement populaires, & le Clergé a peu
" d'influence ou d'autorité, à l'exception de celles
" que leur propre piété, leur vertu, leurs lumieres
" leur donnent naturellement. Ils ſont choiſis
" par le peuple de leur Paroiſſe, & reçoivent
" leur ordination du Clergé voiſin. Ils ſont tous
" mariés, ont des familles, & vivent avec leurs
" Paroiſſiens dans une parfaite amitié & intimité.
" Ils vont voir les malades, exercent la charité
" envers les pauvres, aſſiſtent à tous les mariages
" & enterremens, & prêchent deux fois chaque
" Dimanche; le moindre reproche fait à leur ca-
" ractere moral, leur ferait perdre leur influence,
" & leur nuirait à jamais. De ſorte que ce ſont
" des hommes ſages, vertueux & pieux. Leurs
" ſentiments ſont en général adaptés à ceux du
" peuple, & ils ſont amis jaloux de la Liberté.

3. " Il y a des Ecoles dans chaque ville; elles
" ſont établies par une Loi expreſſe de la Colo-
" nie; chaque ville conſiſtant en ſoixante familles,
" eſt obligée, ſous peine d'amende, de maintenir
" conſtamment une Ecole & un maître qui en-
" ſeigne à lire, à écrire, l'arithmétique, & les prin-

" cipes

" cipes des langues Latine & Grecque. Tous " les enfans des habitans, ceux des riches comme " des pauvres, ont le droit d'aller dans cette " école publique. On y forme les etudians pour " les Colleges de Cambridge, de New-Haven, de " Warwich, & de Dartmouth ; & dans ces Col- " leges on éleve des Maîtres pour ces écoles " des Miniſtres pour l'Egliſe, des Docteurs en " Droit & en Médecine, & des Magiſtrats & " Officiers pour le Gouvernement du Pays.

4. " La Milice comprend tout le Peuple. En " vertu des Loix du pays chaque habitant mâle " entre 16 & 60 ans, eſt enrôlé dans une Com- " pagnie & Régiment de Milice, complétement " pourvu de tous ſes officiers. Il eſt obligé de " tenir toujours dans ſa maiſon & à ſes propres " dépens, un mouſquet en bon ordre, une corne " à poudre, une livre de cette poudre, douze " pierres à feu, vingt-quatre balles de plomb, " une boête à cartouche, & un havre-ſac. De- " ſorte que toute la Contrée eſt prêta à marcher à " ſa défenſe au premier ſignal. Les Compagnies " & Régiments ſont obligés de s'aſſembler à un " certain tems de l'année, ſur les ordres de leurs " officiers, pour la viſitation de leurs armes & " munitions, & de faire leurs manœuvres.

" Voici, Monſieur, une petite eſquiſſe des " quatre ſources principales de cette ſageſſe dans " les Conſeils, de cette habileté, de cette bravoure " militaire, qui ont produit la Révolution Amé- " ricaine, & qui, j'eſpere, ſeront ſaintement con- " ſervées comme les fondemens de la Liberté, du " bonheur & de la proſpérité du peuple. S'il " eſt d'autres particularités ſur leſquelles je puiſſe " vous donner des informations, vous me ferez " l'amitié de me le faire ſavoir. J'ai l'honneur " d'être.

1782. " JOHN ADAMS."

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